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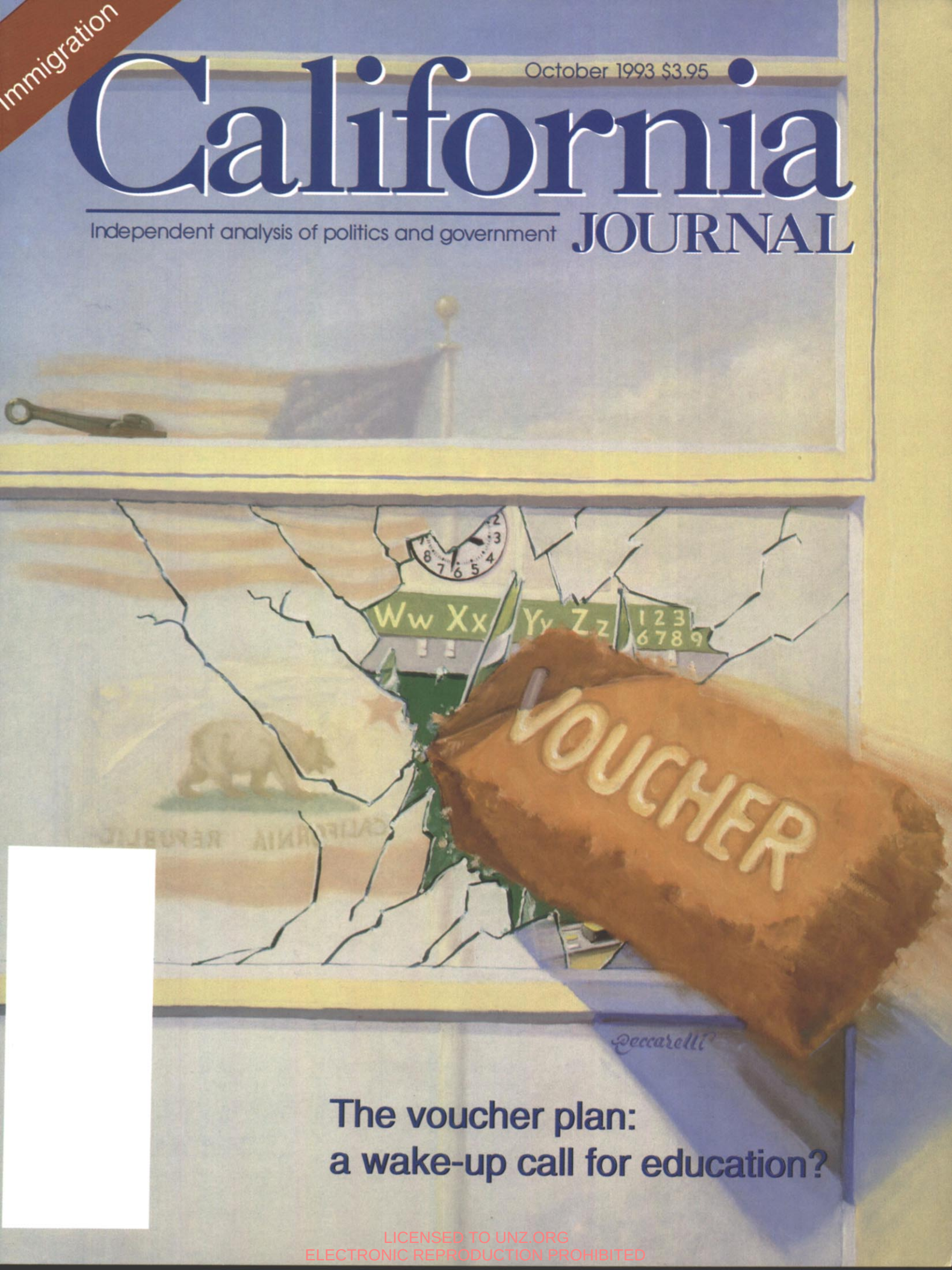

The voucher plan: a wake-up call for education?

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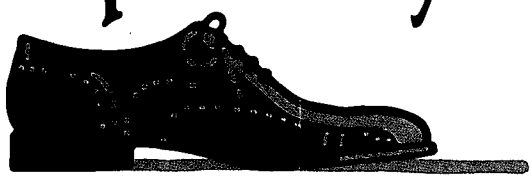

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OCTOBER 1993
VOLUME XXIV, NUMBER 10

California JOURNAL

Independent analysis of politics and government

Vouchers 8
Will Proposition 174 be a breakthrough or a break-up for public education in California?
By Laura A. Locke

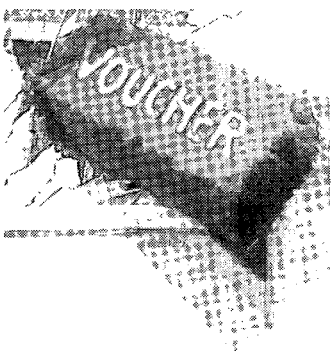
Illegal immigrants 15
Illegal aliens find themselves in the political cross-hairs as the 1994 elections approach.
By Danielle Starkey

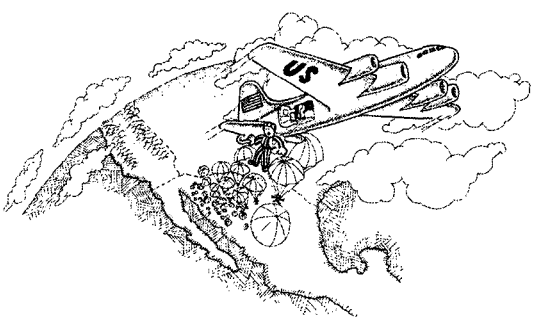
Deporting felons 21
It costs the state a bundle to house and feed illegal aliens convicted of felonies.
By Danielle Starkey

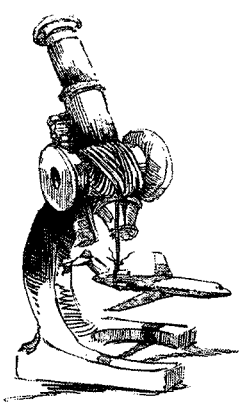
Lobbying, post-140 31
Advocacy in the age of term limits may prove tricky for lobbyists and lawmakers.
By Charles A. Price

CEQA 35
A compromise law may cushion the impact of California's environmental law on business.
by Mary Beth Barber

C-17 39
In this age of cuts in defense spending, will Congress keep the C-17 transport airborne?
By James R. Carroll







Up Front 4
Two Cents 6
Rostrum 7
Soapbox 25
Notebook 41
Washington Perspective 44

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Up Front — Umbrage

Self-serve. Mastering legislative procedure takes time and experience. There are short cuts, but it usually takes a practiced hand to master them. Rookie GOP Assemblyman Bill Morrow of Diamond Bar needs more practice. One of his bills (AB 2333) would have allowed law-enforcement officers to access utility company records when searching for missing or kidnapped kids. The measure was amended in Assembly Public Safety to accommodate San Francisco Democrat John Burton's concerns over privacy. As amended, it passed the lower house. But when AB 2333 reached the Senate, and was up before Senate Energy and Public Utilities, a witness warned that the privacy issue still was a concern and pointed out that Assembly amendments supposedly had dealt with it. When asked about the discrepancy by Democratic Senator Tom Hayden, Morrow admitted that he — himself, independently, without help or permission — had re-amended the bill to remove Burton's provisos. The measure was put over into a two-year bill. Morrow was put over the coals. In a world where your word is your bond, Morrow's reputation needs a little super glue.

Contenduh. Let's see if we understand this: Assemblyman Stan Statham wants to become lieutenant governor of the state he would destroy. The Redding Riffle, who wants to split California into three parts, declared last month that he will give up his 2nd Assembly District in 1994 to become a GOP candidate for not-quite-governor. To announce his candidacy, Statham, a former TV news anchor, expressed an 11-minute "Ain't Stan Grand" video to news outlets, complete with nearly seven minutes of publicity takes about Statham's efforts to split California. Stan on CNN. Stan on network news. *Ad nauseum.* Statham calls the vote on his candidacy a referendum on split-the-state. Sounds like a chance for Californians to drive a stake through its heart.

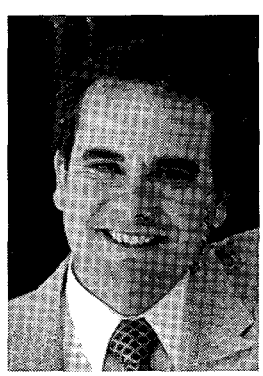
Can we top this? If you can't solve a huge problem, solve small ones. The state of North Carolina, in its recently completed legislative session, designated three dances as "official" in the Tarheel State: "clogging" is the official folk dance; "square dancing" is the official American folk dance; and "shagging" is the official beach dance. According to the August issue of *North Carolina Insight*, that state's lawmakers also passed a bill that allows shampooing by unlicensed shampooers in Jones and Lenoir counties. And we thought "clogging" was the official dance of the Pasadena Freeway.

Gizmo of the month: a computer chip from Intel. The California Manufacturers' Association sent it around with the spin that Intel recently decided to build a $1 billion plant in New Mexico rather than in California. One reason: Intel has to pay $80 million in state sales taxes on new equipment in California but not in New Mexico. CMA included the chip as part of its campaign to persuade lawmakers to approve a sales-tax exemption on the purchase of manufacturing equipment. The exemption was included in an omnibus tax bill passed on the last night of the legislative session and subsequently signed into law by Governor Pete Wilson. Oh, yeah, that Intel chip seems to have been assembled and tested in Malaya, where, we assume, Intel also did not have to pay sales taxes on equipment.

Just say "no." Persistent rumors filtered from the Capitol throughout the summer that some Assembly Republicans were embroiled in a contest to see who could cast the most "no" votes during the 1992-93 session. It was said that a few of the contestants even threatened to ding the consent calendar in order to pile up points. Who is involved? "Just look at the red lights," said one well-placed GOP source. "Personally, I'm appalled by it." So, who won? According to our count, Andrea Seastrand cast 860 "no" votes on the floor and in committee. In floor votes alone, Bill Hoge edged Ray Haynes 595 to 594.

The a-word. Assemblyman Ray Haynes of Murrieta is one conservative Republican whose political career is anchored in the anti-abortion movement. It thus was somewhat of a shock last month when Haynes began his remarks during a floor debate with: "I've done many abortions." Haynes continued along with his argument for a few more seconds before whoops and guffaws from conservative colleagues derailed his speech. He had meant to say "adoptions."

Money trail. Is Senator Bill Lockyer positioning himself to become pro tem? Somebody must think that the Hayward Democrat will have more clout in coming years, because money-givers have pumped up his war chest. During the first six months of 1993, Lockyer raised $182,594. That's nearly $40,000 more than Lockyer raised during *all* of 1991 — the most recent non-election year. Although Lockyer faces election



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in 1994 (and did not in 1992), he resides in a safe Democratic district and won't need all of that cash for himself.

Double take. Democratic Assemblyman Dan Hauser of Arcata had a little trouble persuading colleagues to vote for his AB 1567. Seems it was a "shrimp bill," and more than a few lawmakers remembered another shrimp bill from a few years back, one with stings tied to the FBI. But Hauser's had nothing to do with building a bogus processing plant in West Sacramento. His put a three-year moratorium on issuing commercial permits for pink shrimp. "Nothing fishy about this one," a Hauser staffer said. Once assured, lawmakers in both houses passed the bill.

To yer health. One man's micromanagement is another man's bar order, so the saying goes. One of the odder pieces of legislation this past session required that the folks who make auto coolant and antifreeze include a bittering agent in their products (AB 1550, by Democrat Jack O'Connell of Carpinteria). O'Connell came up with this little ditty because he claims the stuff tastes sweet and as a result has poisoned animals and kids. When the bill reached the Senate floor, however, it ran into a pair of Republicans who think government meddles too much. Tim Leslie of Carnelian Bay called it ridiculous. And rookie Rob Hurtt of Anaheim called it "the epitomy of micromanagement." Ever ready to meddle himself, Santa Monica Democrat Tom Hayden offered Leslie a glass of ethylene glycol — which Hayden just happened to have on his desk. No word whether Leslie accepted. The bill passed.

Dance card. The Democrats' dance card for 1994 is rapidly filling out. Treasurer Kathleen Brown and Insurance Commissioner John Garamendi are all-but-declared candidates for governor. Controller Gray Davis is running for lieutenant governor, and Sacramento developer Phil Angelides is in the hunt for treasurer. Now comes Assemblyman Rusty Areias, who has announced his candidacy for controller. Areias, who hails from Gilroy, will once again try to prove that an obscure lawmaker from the Central Valley can win a statewide race. Meanwhile, a recent missive from Davis' campaign headquarters was faxxed from someplace called "Home Budget Loans" in Los Angeles. That caused us to wonder whether Gray had raised so much money that he had opened a side business? No such luck. The campaign fax was down, so his minions marched across the hall and borrowed someone else's machine.

Top 10 reasons Bill Lockyer should become pro tem

10. M&Ms and Ho-Hos at all commmittee hearings;

9. Offered to make Steve Peace majority whip if he wins special election;

8. Plans to set up Prozac dispensary in Senate chambers (see #9);

7. Principled stand against taking any PAC money from gunnysack makers;

6. Can go through staff twice as fast as Barry Keene;

5. Knows Rob Hurtt's special ticklish spot;

4. Lobbyist special on Democratic votes: buy one, get one free;

3. Took the Burton-Ferguson course on bi-partisan cooperation;

2. Knows more big lawyer words than Quentin Kopp;

And the number-one reason Bill Lockyer should become pro tem ...

1. Senate sergeants' code name: Twinkie Man.

"Angry as one may be at what careless people have done, and still do, to a noble habitat, it is hard to be pessimistic about the West. This is the native home of hope."

– Wallace Stegner

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Two Cents Worth

COMMENTARY

Vouchers

Backers of Proposition 174, the school voucher initiative, are fond of offering the "Fed Ex" analogy: Look how much better Federal Express does at delivering mail than the Post Office, and how much better the Post Office became once Federal Express arrived. Thus, if we opened up the school system to the private sector, competition will make schools, public and private, that much better.

It's a false analogy. The Post Office isn't the school system, and students are not letters.

But like many analogies, the Fed Ex-private school comparison contains enough similarities to make it appealing to those who don't look too closely. Like the Post Office, to most people the schools look like a government monopoly. Like the Post Office, the cost seems always to be going up, but what you get for the money only seems to get worse. And, like the Post Office, when you complain to your school, a fat lot of good it does.

So just for the moment, let's carry the analogy out because, contrary to what voucher backers believe, it demonstrates many reasons why voting for vouchers is a bad idea.

First of all, the Fed Ex system is what exists now, not what would come to pass with vouchers. When you want to send a letter, you can either take it to the Post Office, and chance the service you will get, or take it to any of several private firms, pay a lot more money, and be guaranteed that your letter will arrive overnight. The same is true of schools. There are plenty of schools, if you pay lots of money, that will guarantee a good education.

Second, Federal Express and its cousins take only a limited slice of the mail — mail people are willing to spend from $7 to $12 to send. It's the Post Office that gets stuck with second- and third-class mail. Fed Ex can't even imagine trying to match that, or they would have. The same is true of private schools. They can select among the best students, those whose English is good, who pose no behavior problems and who have firm support at home for their schooling. No such choice exists for public schools. They must take all comers: kids with the limited ability to speak English, kids with learning disabilities and kids whose parents just don't care what happens to them.

Third, the Post Office has been forced to compete with Fed Ex by providing high-end services, thus diverting attention and resources from its main mission, which is to serve everyone — not just those who can afford to pay premium prices.

Finally, and here's where the analogy really sticks, suppose the Post Office were forced to take half of your 29 cent stamp and use it to subsidize those who want to use Federal Express? It would hobble the delivery of regular mail, while giving a government-subsidized break to those who can afford to spend more in the first place.

This is not to say that Proposition 174 backers don't have points to make. The state's schools are clearly in disarray, and the current system of financing them, and an existing political climate dominated by the education lobby, makes it very difficult to make changes.

Sadly for today's parents, public schools don't look much like they did when parents went to school, and that makes them uncomfortable and worried for their children. The reasons are many and difficult to solve. But regardless of the reasons, many parents with resources have fled the system, either by moving to the suburbs or by sending their children to private schools. It is to these voters that vouchers appeal. It's easy, but arrogant, to ignore the concerns of these parents.

Public opinion polls, and the campaign war chest accumulated by the California Teachers' Association, would indicate that the voucher initiative is unlikely to pass. But opponents should not take the vote as vindication of the public-school system. Far from it. Had voucher proponents not overreached themselves and included private and religious schools, there is an excellent chance that a voucher system confined to public schools would have passed. Such a program may, in fact, hold much promise for reforming the state's school system.

—Richard Zeiger

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Rostrum
LETTERS

Illegal immigrants

Your recent column deserves contempt and outrage for its distortions and deceptions (see "Two Cents," *CJ*, September 1993). It is absolutely crucial to distinguish between persons legally here and those illegally here. The former deserve help and all reasonable services. The latter, however, are criminals and invaders who deserve nothing.

You speak about our being "a nation of immigrants." It is true, but it distorts the difference between the legal and illegal. You point out that the state has a lot of fiscal woes not caused by "immigrants." This point is valid, but it is deceptive. We have a lot of problems, to be sure; but illegal immigration is one of them. All the problems need facing.

With two million illegals in the state, we are grossly burdened. The problem is real, and your idea of overreaction is pitiful. It is a staggering invasion of this state by criminals. Alas, the politicians have ignored it too long, and your nonsense about needing a scapegoat is a new low in journalism.

We need a task force to offer a calm look at a painful problem. We also need to deny all services — medical, welfare, education — to foreign criminals.

HARRY MAJOR
Hollywood

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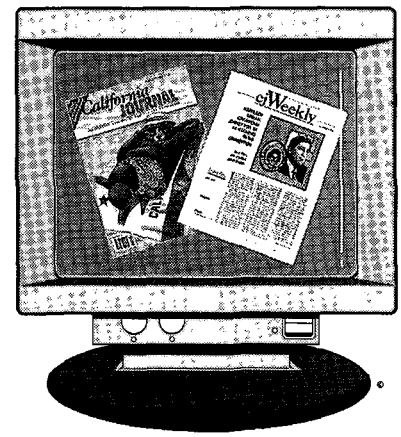

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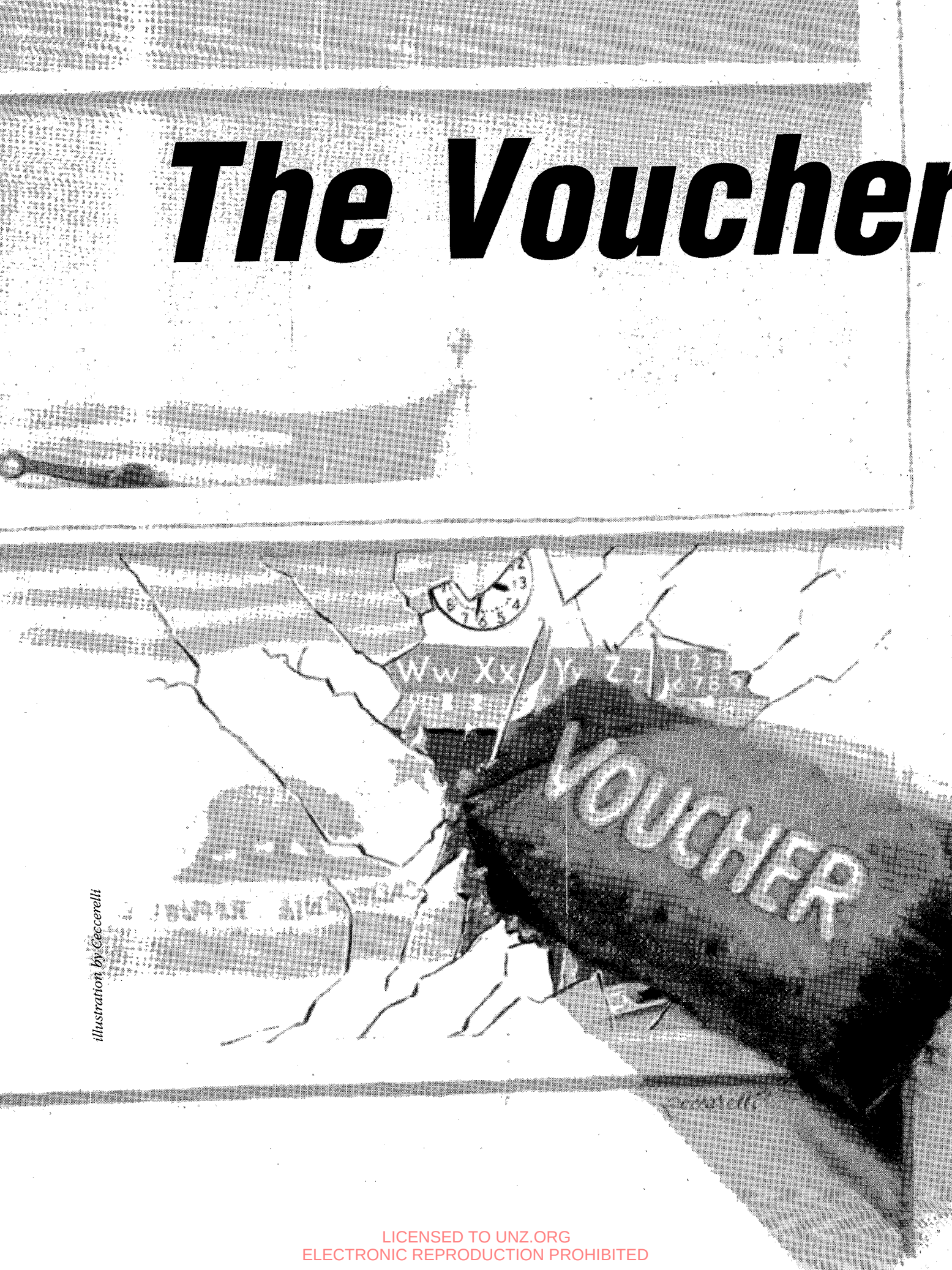
The Voucher



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initiative:

Breakthrough or break-up for California Schools?

By Laura A. Locke

For the past nine years, Barbara has taught fourth grade at a Sacramento elementary school. She vigorously supports public schools and is a vigilant foe of Proposition 174, the voucher initiative on this November's ballot. Yet this fall, she took her own son out of the public school he'd attended for five years and sent him to a private school.

"It was an awful decision," Barbara said. "I wanted to believe public schools would work for him. It's not my first choice, but public schools are not as safe, standards are getting lower and he wasn't keeping up with his grade level. ...I would prefer to see him in a public school because going to school with neighborhood kids is a better perception of reality, but at the same time, I'm not going to let him sit and have his mind stagnate."

The decisive moment for Barbara came last year when her son wasn't required to read a single book. His teacher said she didn't like to read books when she was young, so she wasn't going to force her students to read. Not only that, Barbara recalled, her son brought home no homework. During class time, he played cards, watched a heavyweight championship fight and made paper airplanes. "He wasn't getting the education he needed ... after teaching all day myself I had to teach him at home and it was getting really old," she said.

Barbara's experience — and her dilemma — is shared by other parents who may believe in public education but who are frustrated by what they perceive just doesn't work for them anymore. Many of these parents wrestle with the

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notion of whisking their children off to private or religious schools. Moving to private schools may be attractive to those who can afford it, but collectively, the shift is fraught with risk for society. If many parents opt out of public schools, the system will surely collapse.

It is precisely this frustration and disillusionment that the proponents of Proposition 174, the "Education.Vouchers initiative.", hope will propel their measure to victory in a November special election called by Governor Pete Wilson. In essence, voters will decide if taxpayer money should be used to fund private and religious schools. Reduced to its basics, the voucher initiative attempts to inject marketplace principles into the education system by making public schools compete for students. Parents of California's school-age children would be given a "voucher" or "scholarship," to be redeemed by the child's parents at any participating public, private or religious school, starting with the 1994-95 school year. Currently, that voucher is estimated to be worth $2600 per child, half of what the state pays to support each pupil. Under a voucher system, unrestricted school choice is the best method for restructuring public schools, proponents argue, because it makes those who run schools accountable. Schools that don't meet students' needs or deliver a quality education will lose students to competitors and go out of business if they don't improve.

"In terms of our democratic institutions, every child in this country is born an immigrant. In essence, we all start out unaware of the uniqueness of our ongoing experiment in self-rule and of the individual's key role in passing that torch to the next generation. Youngsters won't pick up a sense of the grandeur of this undertaking in the way they might pick up a common cold—by casual contact. The schools have to make the case boldly, in terms of information as well as of emotional connection. Part of developing good citizens is simply spreading the lore: what rights are guaranteed under our constitution, what equality under the law means, who does what in our government. But equally important is developing in our children a sense of belonging, a loyalty to our past, and a willingness to participate in our future."

—Bill Honig
former California Superintendent of Public Instruction in "Last Chance for Our Children" (1985).

The stakes are enormous. The state's public education system is a $28 billion per-year business that employs more than 200,000 full-time teachers, and countless more administrators, principals, custodians, union officials, bus drivers, cafeteria workers and school board members. The livelihood of all these people is cast in doubt by Proposition 174.

At stake, too, is the future of education in California, and perhaps the nation. Free public education for everyone is an American original: it was here, in our new-fangled democracy, that the idea was first developed that every citizen needed an education. American schools are responsible for instilling in students common democratic values such as tolerance, majority rule and equality; the public-education ethic is intertwined with the belief that only an enlightened citizenry can effectively participate in a democracy. And despite increasingly fierce challenges and critiques, public education is still perceived as an immutable cornerstone of our democracy — even as the most ardent public school defenders like Barbara opt out of the system.

But in the eyes of voucher proponents, the nation's public school system no longer is fulfilling its responsibility. They say public schools, secure in their monopoly position, have become archaic and inefficient. Furthermore, proponents argue, the system of public education prevents competition and is bereft of incentive for innovation and improvement.

Without a doubt, public education is beset with problems: Besides high dropout rates, increasing crime and low student test scores, the Los Angeles Unified School District, the nation's second largest district, opened its school year with 1000 full-time teacher vacancies — its worst teacher shortage ever, according to United Teachers Los Angeles. The state has struggled to maintain its financial support for schools, but California currently ranks 39th in the nation in its level of support for schools, providing about $4600 per year, compared with a national average of around $6000. The 1993-94 budget passed at the end of June provided $14.9 billion in general fund money for K-14 education. The education industry has attempted to prop up financing of the school system in large measure by securing passage of Proposition 98 in 1988 that guaranteed public primary and secondary schools a fixed share of state general-fund revenues. But Proposition 98 angered many critics of public education, who argued that more and more money could not fix a deficient and imperiled public school system.

Yes On Proposition 174, A Better Choice (ABC) is the organization rallying for school choice. ABC supporters include the California Republican Party, the Paul Gann Citizens Committee and conservative religious groups such as the Christian Coalition and the Traditional Values Coalition. Individuals who have come out in favor of the initiative

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include many GOP strongmen: former U.S. Secretary of State George Schultz; former Bush administration HUD Secretary Jack Kemp; former Reagan Secretary of Education William Bennett; and Republican state senator Bill Leonard of Upland.

Not unexpectedly, seven major educational organizations have joined forces to squelch the voucher initiative; after all, hundreds of thousands of jobs are at stake here. The umbrella organization is No On 174, and participating members all have economic interests in maintaining public schools: the California School Boards Association, California Teachers Association, National Education Association, California Federation of Teachers, Association of California School Administrators, California School Employees Association, and the California PTA. Also opposing the measure are the California Democratic Party, the NAACP, the ACLU, the Mexican-American Legal Defense Fund, The League of Women Voters, Assembly Speaker Willie Brown Jr., Senate President pro Tempore David Roberti, Controller Gray Davis, and U.S. Senator Barbara Boxer.

Voucher opponents are convinced Proposition 174 will herald the demise of public education. "It will absolutely destroy public education, and it will certainly destroy the funding of public education in California," said Grace Foster, a PTA member who sat on a voucher panel at the PTA annual convention in Sacramento in May. In addition, "There is nothing in this measure that will improve schools," said Assemblywoman Delaine Eastin, a Fremont Democrat who chairs the Assembly Education Committee and is a likely candidate for state superintendent of public instruction.

Yet even opponents concede that it's difficult for public schools to innovate. Unlike private schools, which are hampered by few rules, public schools must conform to 11,000 pages of state code. California schools are among the most regulated in the country, according to Michael Kirst, director of Policy Analysis for California Education (PACE) and former president of the California State Board of Education. PACE is conducting an independent analysis of 174. "Can you really innovate when you're tied down to 11,000 pages of state education code?" queries Kirst.

The California Department of Education estimates that the cost of providing vouchers for the 500,000 students already in California's non-public schools is $2.5 billion, or 10 percent of the state school budget; every student now in a private or religious school will be eligible for a voucher two years after the initiative is enacted.

If public schools "are so sure they are doing a better job, why are they so afraid of competition?" asks Milton Friedman, a Nobel Prize-winning economist and outspoken supporter of Proposition 174.

"First, some of the concerns about intolerance, social cleavage, and ignorance that were reasonable fears in the nineteenth century, when the "common school" was created, are not so plausible today. The United States is no longer a young and fragile nation trying to unify a population made up of mostly immigrants. Second, although schools today may have a certain amount of civics curriculum in common, they are not common schools in any meaningful sense. Students that are segregated socioeconomically and racially—few schools are melting pots- and schools are scarcely able to address questions of values at all. Given this harsh reality, democracy might be better served by an education system that respects a diversity of schools, each arriving at its own conclusion about how difficult questions of value are best addressed."

—John E. Chubb and Terry M. Moe in "Politics, Markets, and America's Schools," (1990).

"What we are attempting to do is to empower parents, so they have power to go to the principal directly, to create the kind of atmosphere where schools have to be responsible to their customers," said Joseph Alibrandi, chairman of ABC. "Why should poor people not have the power or opportunity to choose the education of their child just like the wealthy people do?" Alibrandi asked. Alibrandi, an aerospace executive, gave $288,669 to qualify the voucher initiative for the ballot.

"The intent is to put in place the incentives for public schools to improve," said Kevin Teasley, ABC's campaign director. And, he added, it's already happening. He noted that Fresno Unified School District is starting a pilot program to allow middle school students to apply for admission to the school of their choice. And, last year, San Francisco Unified introduced schools organized around a common theme, such as a parent-participation school where parents are directly involved in planning the budget and curriculum. Currently, San Francisco has about 25 such schools in its 113-school district, and school officials say they hope eventually to convert all schools to theme-status.

If the initiative passes, there is concern that it won't stand up in court. In the opinion of the legislative counsel, the Legislature's lawyer, Proposition 174 violates constitutional provisions for the

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separation of church and state because taxpayer money would be used to fund religious schools. In addition, the legislative counsel said the initiative may violate the 14th Amendment to the U.S. Constitution by providing state funds to schools that discriminate based on gender. Although Proposition 174 prohibits schools that discriminate of the basis of race, ethnicity, color, or national origin from redeeming scholarships, it does not prohibit schools from restricting admission based on other criteria — including gender, religion, ability and disability.

The Catholic Church has taken no official position on 174, and doesn't intend to, although many parents have held school choice forums and voter-registration drives in the parishes, said Jim Adams, superintendent of Catholic schools for the diocese of Sacramento. The majority of private schools are religious.

Private schools certainly will benefit from the voucher system. And although voucher advocates say public schools can prosper, too, if they adapt, voucher opponents say public schools come with handicaps that will make it very difficult for them to compete.

Private schools are free to disqualify any student they think may be difficult to teach. But public schools must admit every student that lives within district boundaries; they can't reject students who may pose disciplinary problems, who have learning disabilities or who are poor. The public education system was designed to educate all students regardless of economic, social, religious or ethnic considerations. "We have to take every child that comes to our door — legal, illegal, impoverished, wealthy — as is. We don't have a junk heap, like the private schools," said Davis Campbell, executive director of the California School Boards Association.

Voucher schools also don't require teacher credentialing, said Bob Wells, director of government relations for the Association of California School Administrators. "Any entrepreneur that can get 25 students together can open a school and hire anybody to teach anything," said Wells. Even relatively early in the campaign, headlines warned that this initiative would allow a witch's or cult school to be established, a claim the pro-174 campaign readily dismisses as a fear tactic. Voucher supporters like Friedman insist that teacher "credentialing is a deficiency of a school system, not a virtue. It exists in order to enhance the power of the education bureaucracy." Friedman points to the irony of a Nobel Prize-winner in chemistry who wouldn't be eligible to teach in a public high school without a teaching credential.

But Wells and other voucher opponents try to turn the choice argument around saying the system "isn't choice for parents, it's choice for private schools because it allows schools to choose which students they will admit. We don't usually set up tax-supported programs that discriminate based on income status. You can set up some very exclusive private schools that would be subsidized by tax revenues, and the voters wouldn't be able to do anything about it."

Terry Moe, a senior fellow at the Hoover Institution and a leading proponent of the voucher initiative, stresses the importance of schools having the option to select their student body. "I think it's important that schools are allowed to admit kids or not admit kids as they see fit," he argued, because what you then get is a "contract" between the parents, the child and the school. "It's understood, if the school doesn't perform, then the parents are out. If the student doesn't perform, let's say by misbehaving, that student can be expelled," Moe explained.

"Choice," of course, sounds appealing. Why shouldn't parents have the opportunity to choose the most appropriate school for their children to attend?

Some voucher opponents agree with the parent's right to choose, but not at taxpayer expense. "I don't get to have a line-item veto on my tax return for the things I don't think are as well-delivered as they ought to be," said Assemblywoman Eastin. "If you believe in the common good, then you have to believe in the public provision of police, fire and schools, and if you choose to have some additional service, like belonging to a country club, it doesn't mean you don't have a responsibility to create public parks, does it?

"Our question ought to be how do we replicate the best districts, not how do we essentially abandon the bad ones," said Eastin.

The public schools are "where we create common values among very unlike people," Eastin said, and without public schools, "the nature of the common experience is gone," added John Mockler, a Sacramento-based education lobbyist whose clients include the Los Angeles Unified School District. Mockler, however, sends his own daughter to a private school.

Kirst concurs. Schools have a very important socializing impact, he said, especially for immigrants; that's still important today because one out of every six schoolchildren in California is born in another country. Interestingly, voucher supporters also maintain that they are respecting "diversity" when making a case for voucher schools.

"It's allowing whatever philosophy people may have to blossom and thrive, if enough people support them," said Moe. "The notion that somehow we have a school system built around the common school ideal is a myth. ...Blacks, Hispanics and other minorities have never received equal treatment, and this system has failed over a long period of time to assimilate them into American society. It's just wrong to think that our society is going to fall apart if we have different schools teaching somewhat different values. It simply reflects the nature of our society."

Flared emotions on both sides have caused the educational siren to sound. The voucher initiative is likely to be one of the most controversial ballot initiatives in state history. Calling Proposition 174, "the mother of all initiatives," William Bennett said it could be a test case for the nation. "If California passes this initiative, it changes the future of the nation's public education." California is a key state for both sides: California has the largest public-school system in the United States; it's home to more than 90 percent of the state's school-age children — that's nearly six million students in kindergarten through high school.

This voucher initiative is unprecedented. Individual school sites across the country have implemented successful school choice programs in places such as District 4 in East Harlem and in Milwaukee, Wisconsin, but the context was different: none was implemented on such a massive scale nor has any used taxpayer dollars to fund private and religious schools. California may indeed be the test case, but elected officials in 17 other states have failed to pass tax-financed vouchers in the past year, according to Kirst. Voucher supporters like Terry Moe and Milton Friedman

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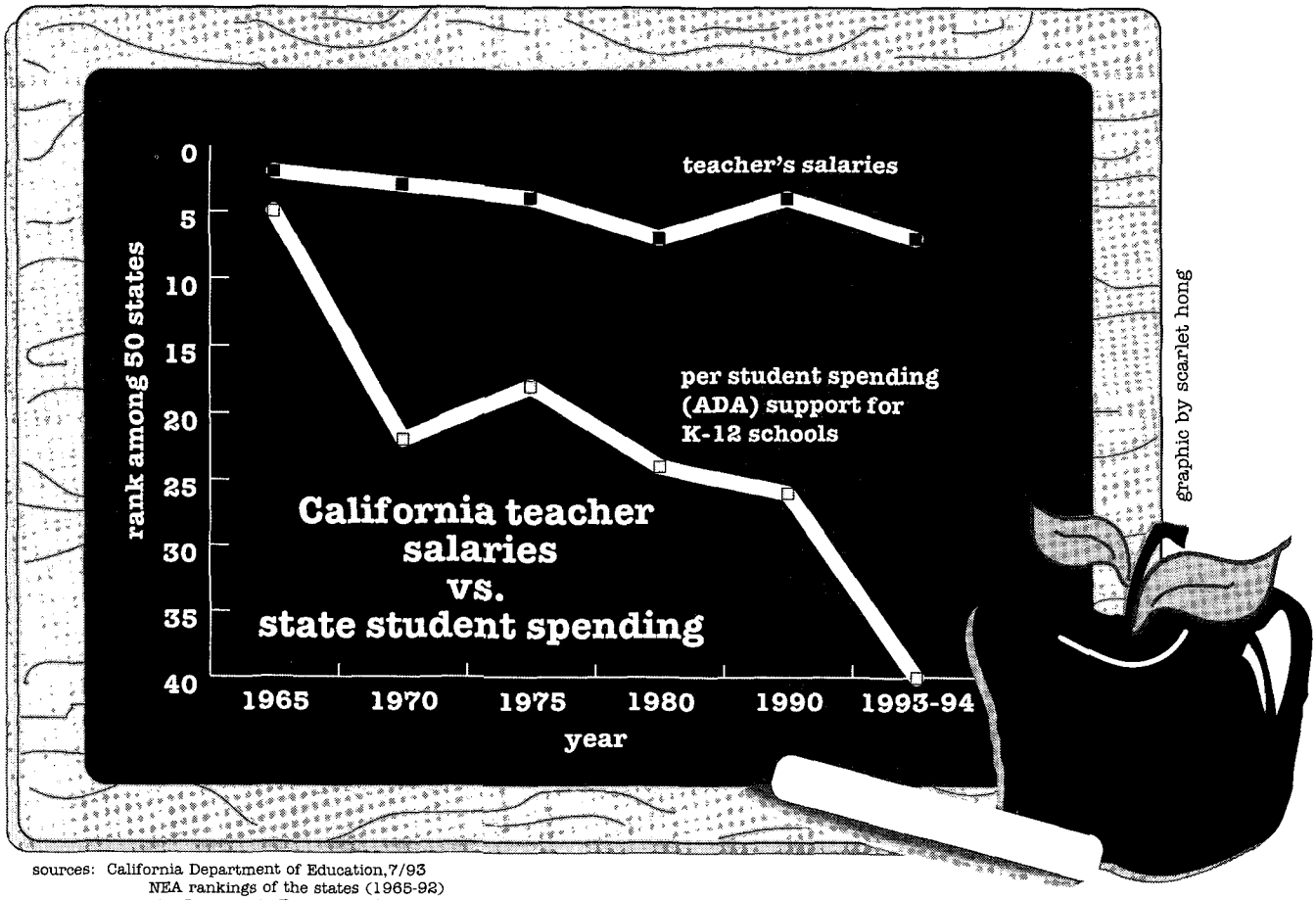
admit that Proposition 174 may not win in California — although they don't go as far as conceding a certain defeat. They believe that if 174 doesn't pass in California, it will win somewhere else.

In California, powerful interests such as the teachers' unions and the school boards are 100 percent opposed to vouchers and to genuine school choice, said Moe, and they are more powerful here than in other parts of the country. "They'll fight it, they'll oppose it and in almost every case they will win. What you have to hope is that with 15,000 school districts in 50 states, if you keep pushing, sometime, somewhere you're going to win. They can't stop it everywhere. This isn't a system in which solutions which are best for kids are guaranteed to win, this is a system in which the most powerful side wins," Moe said.

Recently released polls indicate that pro-voucher forces have an uphill struggle. A September *Field Poll* showed that 46 percent of voters are against vouchers, while 36 percent support them after being read the official ballot description. And according to a Gallup Poll released in September, 74 percent of parents nationwide oppose sending students to private schools at public expense — compared with 68 percent opposed in 1991.

"We expect to assemble one of the largest citizen coalition efforts ever," said Robert Nelson, chairman of the Nelson Communications Group. Nelson is responsible for managing all aspects of the anti-174 campaign, including media. Radio and television spots already are underway. Nelson is confident that the polls will continue to favor his side as long as "our volunteers perform at the level they're committed to" — volunteering at phone banks, walking precincts.

The fight over Proposition 174 promises to rank among the most expensive initiatives in California history, says Kim Alexander of Common Cause. "There are deep pockets on both sides," she said. Each side spent over $500,000 to qualify and "disqualify" the initiative, including teacher groups, which launched a campaign to try and dissuade people from signing voucher petitions and then challenged the measure in court. It is estimated that the total campaign will cost in the neighborhood of $20 million. Currently, the no-fault auto-initiative, Proposition 104 of 1988, ranks as the most expensive ballot measure in state history, with a total tab of $37.5 million. Money to defeat Proposition 174 comes from what Friedman calls the "educational fraternity." Teacher unions have pledged to raise up to $11 million to knock off the measure. CTA President Del Weber has been quoted as saying that his group will spend whatever it takes to defeat Proposition 174. The National Education Association (NEA) has given $1 million; the Association for California School Administrators (ACSA) gave $150,000; the California School Employees Union, $76,000; and the California Federation of Teachers (CFT), $25,000. *[continued on next page]*



sources: California Department of Education,7/93
NEA rankings of the states (1965-92)
The Sacramento Bee, April 1993

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Voucher proponents readily acknowledge that they will trail behind the No On 174 campaign when it comes to raising money. We may be "outspent but not out-argued," Bennett quipped. Proponents expect to spend between $5 million and $6 million, according to ABC spokesman Sean Walsh, who noted that $1 million was raised in-state last year, and an additional $1.7 million was raised since May. Walsh anticipates money to flow in from across the nation as the campaign heats up.

Ken Khachigian, principal strategist for the Yes On 174 campaign, at the moment is feeling encouraged, "Despite the fact that they've got more money and more resources, we've gained." September's *Los Angeles Times* poll showed 39 percent in favor of the proposal and 45 percent agains with 16 percent undecided, a difference that isn't much to worry about, according to Khachigian, especially when one considers the fact that the No On 174 campaign has launched a major radio blitz. He hopes to have a grass-roots team of 5000 people by mid-October; he plans to use some direct mail and will use television and radio and overall "aggressively challenge the premise of their campaign at every turn." Without revealing estimates, Khachigian anticipates money to come in from other states, especially from individuals who are dissatisfied with the results of public education, he said.

The Christian Coalition, founded by Pat Robertson, has paid to air radio spots supporting 174; the ads will play on African-American and Latino radio stations.

But Khachigian is putting the rosiest possible interpretation on the *Times* poll, which concluded that the measure, in mid-September, "appears to be struggling...." and had failed to develop a deep core of support among any demographic group.

Trying to determine the real impact of this initiative is like spinning the educational wheel of fortune; there are too many possible outcomes, too many possible winners and losers. "We're taking a plunge into the unknown," said Kirst. For instance, the legislative analyst has reported that the initiative may either save the state $1 billion annually or it may cost the state $1 billion, depending on how many students leave public schools in favor of voucher-redeeming schools. Approximately, one million students would have to transfer before the state begins to break even.

How many students will actually exit? Will more schools rush to meet the anticipated demand? How long will it take to build and operate new voucher schools? Will they be built locally? Will the private school of a parent's choice accept his or her child? "The whole thing depends on a series of assumptions you make, and we have no research or experiential basis for justifying any one set of assumptions as better than another, since no experiment like this has ever been tried before in the United States," said Kirst.

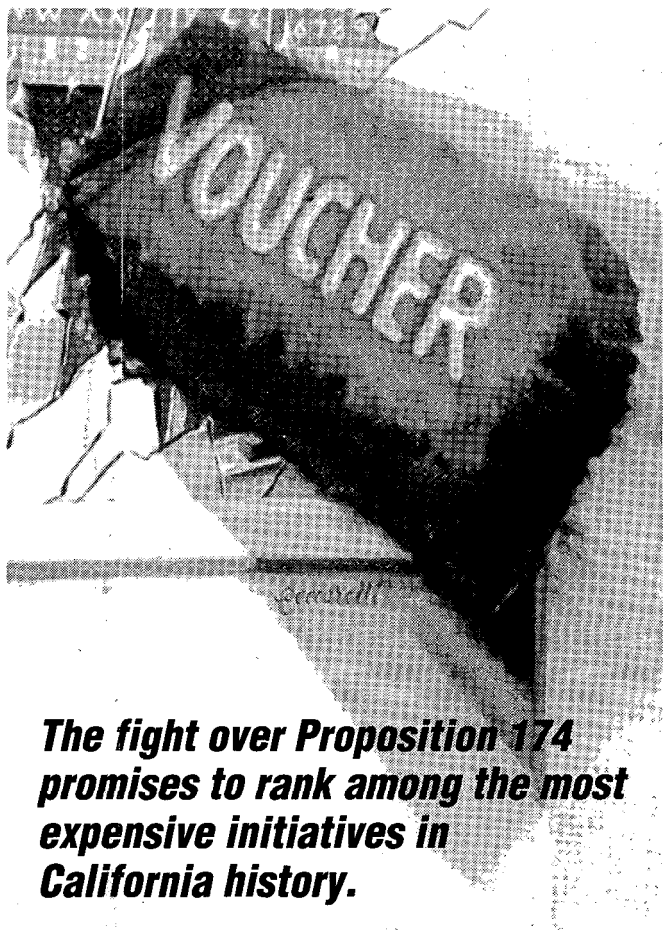
In any case, there isn't enough space in existing private schools: Southwest Regional Labs, an independent education research lab in Los Alamitos, found that only 43,000 empty spaces now exist in private schools — accomodating less than 1 percent of California's public school students.

Opponents are frustrated with the initiative's unpredictability. How, for instance, are voters able to make an informed decision when education experts are uncertain about the outcome of school choice?

Mockler, who is against this initiative, said that analytically, there's only one thing this initiative will certainly do: Taxpayers "will pay for about 10 percent of the kids they don't now pay for." Moreover, the initiative is a constitutional amendment and if there are flaws in it, then it will be difficult to modify, Mockler said.

In addition, the state currently is without an elected superintendent of public instruction, who could provide a "voice" for public education. "It's clear that the state is rudderless when it comes to education policy because an elected superintendent provides the leadership and guidance," railed Dave Low, assistant director of governmental relations for the California School Employees Association.

That vision was hobbled when former state schools chief Bill Honig was convicted of conflict-of-interest charges in 1992 and the Assembly rejected Wilson's replacement nominee — leaving a void during this time of educational crisis. With only six weeks to go before the election, Wilson has still not named another nominee, nor has he officially taken a position on the measure. "It's a pretty serious issue not to take a position on," Mockler notes. The probable Democratic candidates, Kathleen Brown and John Garamendi, are both opposed.



The fight over Proposition 174 promises to rank among the most expensive initiatives in California history.

If Proposition 174 is defeated, there is a possibility that public schools will return to the status quo, but the election may show that there is enough discontent to push for bolder changes, Kirst said. This initiative may have been the wake-up call needed to make us realize, "Hey, we've got to do something that is more than tinkering around the edges," he said, but "The long and short of it is we don't know what's going to happen in any kind of a major systematic way."

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Immigrant-bashing:

Good policy or good politics?

By Danielle Starkey

photo by John R. McCutchen, San Diego Union-Tribune

"Gold Mountain."

That's how California was known in the late 1840s, when word of the gold rush spread across the Pacific to China. California was rural and sleepy at the time, but the discovery of gold at Swiss immigrant John Sutter's mill changed the course of its history. California became a magnet for a worldwide flood of immigrants.

The gold rush ended long ago, but the lure of wealth in the Golden State has remained constant in the imaginations of men and women who seek a better life. The "gold" is no longer nuggets panned from stream beds or torn from the earth; it is a job, the promise of a car, a house or three squares a day. For some, it is the freedom to speak one's mind.

But these days, the "gold mountain" image of a California seen from afar by would-be immigrants is at odds with the tarnished reality of a California seen close-up by its current inhabitants. They see a California of high unemployment, gridlocked government, shuttered military bases and jobs lost to other states; a California of inch-along freeways, overcrowded schools, explosive cities and slam-jammed prisons; a California fallen on hard times.

And they are restless.

Unfortunately, there are no quick fixes for California's hard times. The problems are complex and global, and the state's political system has become increasingly hard-pressed to come up with solutions. When times are good, no one complains about the influx of immigrants; no one complains when illegal aliens work in tomato fields, hotel kitchens and garment-industry sweatshops for sub-minimum wages, helping to keep California businesses competitive. But hard times bring with them an increasing urge to find someone to blame — a scapegoat. And as the tide of illegal aliens sweeping into California has quickened, especially from Latin America, the illegals find themselves in political crosshairs, despite evidence that their contribution to the state's current economic malaise may be less significant than politicians would have people believe.

Politically, however, illegals have little chance to move out of those crosshairs. They are an impotent constituency, wielding virtually no political clout. They don't vote and don't contribute money and thus represent easy targets for politicians heading into the 1994 election season. As a result, both Democrats and Republicans have been jockeying of late to see whose boot can be placed most firmly on the neck of illegal immigrants. Ideas that a year ago were condemned as racist and hysterical now

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have entered the mainstream, and erstwhile liberals are joining with conservatives on a number of proposals.

But just as some unusual pairings have taken place, there also have been some deep rifts created among traditional allies that may have lasting repercussions. For instance, some Latino Democrats have been growing more and more angry over what they perceive as immigrant-bashing by fellow Democrats to placate conservative elements within the party. Assemblywoman Martha Escutia, a newly elected Democrat from Huntington Park, recently warned that some Latinos are so furious with Democrats for pressuring them to support anti-immigrant bills that they have considered bolting the party and re-registering as independents. She said some of them already have passed that warning on to Democratic Party Chairman Bill Press. Not only that, but Latinos themselves are split on how best to address the issue.

Some Latinos are so furious with Democrats for pressuring them to support anti-immigrant bills that they have considered bolting the party.

"Right now, [the immigration issue] is equal to Proposition 13 in terms of its volatility among the voting constituency," concluded no less a political observer than Assembly Speaker Willie Brown Jr.

Governor Pete Wilson and most of the state's lawmakers agree that immigrants historically have come to this country in search of a better life, or a better-paying job. But they divide on how best to reduce the flow of illegal immigrants. Some, including Wilson, want to focus on the illegals themselves, to stop spending state money on them in the form of services such as education and health care. Others, including many Latino Democrats, want to cut off the supply of available jobs by shifting the focus to those who hire illegals.

For Wilson and many California Republicans, the key is the so-called "magnet" of free services that since 1986, states have been required to provide to undocumented residents. "Since the imposition of those mandates, the number of illegals coming into this country and into this state have absolutely exploded, and the cost of providing services as a result of these mandates has absolutely exploded," said Dan Schnur, the governor's communications chief.

According to the governor's office, in 1988-89, California taxpayers spent $22 million to provide emergency medical services — including labor and delivery services — to illegal immigrants, and $640 million to educate their children. In 1992-93, the state spent $367 million on medical care for undocumented immigrants and $989 million on education. Most of these children receiving an education are U.S. citizens. Their parents may be here illegally, however.

"I think we should quit telling the world that they can come here and receive emergency health care" and other services, Wilson said in a recent interview. If the federal government isn't going to fully reimburse states for having to provide those services, as it is authorized to do under the 1986 Immigration Reform and Control Act (IRCA), the mandates should be lifted, he added.

To help drive home his point — and at the same time score political points on the eve of his re-election bid — Wilson this past August took out ads in newspapers around the country, calling on President Bill Clinton to support a constitutional amendment denying citizenship to children of undocumented immigrants, and to end the mandates. Democrats were quick to denounce Wilson for being "political."

But Democrats, too, had been riding that same bandwagon. As one Latino legislator observed, "[Democrats are] trying to cushion themselves from the political hit pieces that will be coming out next year." Among the Democrats grabbing cushions this year were state Treasurer Kathleen Brown, a probable candidate for governor in 1994; U.S. Senator Dianne Feinstein, a candidate for re-election herself in 1994; and U.S. Senator Barbara Boxer. Their proposals — which included militarizing the border — angered many of their Democratic colleagues.

"The Republicans have made this a lightning-rod issue, and the Democrats have bought into it," grumped Assemblyman Richard Polanco, a Los Angeles Democrat who heads the Legislature's Latino Caucus.

Democrats may have bought into it, but they also lobbed a few grenades at Wilson's proposals on immigration. When the Wilson ad appeared, Democratic Party political director Bob Mulholland accused the governor of pandering to the GOP's right-wing at a time his approval rating was low. He also said Wilson was "flip-flopping" on immigration, since as a U.S. senator in the mid 1980s, Wilson wrote an amendment to IRCA "at the request of his agribusiness contributors" that was intended to continue the cheap supply of farm labor to growers and has resulted in the legalization of more than one million illegal immigrants.

Schnur retorted that Wilson has been sounding the alarm for years about the growing problem with illegal immigrants — some two million of whom have settled in California. He is on record, for example, in a November 1991 *Time* magazine interview, as calling for more federal dollars to help California.

"At that time, Pete Wilson was villified," Schnur said. "He was called a racist. He was called a bigot. He was called an immigrant-basher. They said he was dumping on the poor. Call it whatever you want, but when you're done with the name-calling, we still have a problem in this state." Besides, sniffed Schnur, Wilson's amendment was "hijacked" in the Democratic-controlled House of Representatives. His original amendment — for a guest-worker program that did not grant citizenship rights — was amended in conference committee. Then-Senator Wilson voted for the amended bill, however. Wilson himself jumped into the skirmish by inviting critics of his record to "kiss my rear end," if they could reach it.

Wilson's newspaper campaign also brought an immediate response from Latino lawmakers, who attempted to shift the emphasis away from illegals themselves and onto those who profit from them. Some of the Latinos' proposals overlapped Wilson's, and included stiffer penalties and asset forfeitures for convicted smugglers of illegal immigrants, extradition of undocumented immigrants convicted of

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felonies, beefed-up visitor tracking to stop visa abuse, and a call for Congress to disburse the $812 million promised to states that absorbed the majority of immigrants legalized by IRCA.

But the political complexities rife in the issue of illegal immigration surfaced starkly at an August press conference called by the Latino Caucus to unveil its proposals. That conference careened wildly off course when, in a rare moment of political honesty, freshman Democratic Assemblyman Cruz Bustamante, who represents an agriculture-rich region around Fresno, admitted under questioning that his district *required* illegal immigration.

Other Latino legislators standing with Speaker Brown in a semi-circle behind Bustamante visibly blanched. They looked at one another. They looked at their shoes.

They looked worried.

The competing imperatives — deny services to immigrants or impose sanctions on those who profit from immigrants — had clashed not at a debate between Wilson and Bob Mulholland but at a press conference called by Latinos themselves. Although they had planned to discuss a set of measures that specifically did *not* include sanctions like asset forfeiture for employers who hire undocumented workers, the issue loomed into view once Bustamante broached the topic. Bustamante then said that asset forfeiture as a penalty on employers "would be devastating to the economy" of his district. Only moments later, however, Polanco said he would support asset forfeiture against repeat offenders. "It's ironic the politicians have stayed away from the employer sanction aspect of this debate," Polanco said, an apparent reference to the fact that it was much easier to go after powerless illegals than after often-powerful employers of illegals.

Bustamante's remark showed that even Latinos have trouble agreeing on a unified approach because the vested interests they represent are not monolithic. Bustamante also had demonstrated how difficult it will be to realize political gain from an issue that strikes so deeply — and often so divisively — into the notion of who we are, and where we come from.

Not that Bustamante wanted to hammer immigrants themselves. A former farmworker and the son of farmworkers, he tried to articulate the complexities by noting that everyone benefits from "the hard back-breaking work that I've done, that they [immigrants] still do, that none of you do, or ever will do." He argued that farms need a reliable labor source, but he also noted that most immigrants come to this country not to get benefits but to work. "We have to find a way to navigate through this immigration policy, to be able to provide our businesses an opportunity to continue to produce, and at the same time be able to allay the fears of people [that immigrants aren't coming to this country] solely for the reason of getting benefits."

It was left to Speaker Brown to lend some perspective to the conflict — and to call attention to the impact of asset forfeiture on business. "If it is determined that you have cavalierly hired [illegal immigrants]," Brown said, "you have violated the law to gain an opportunity for profit and you ought to have to forfeit the profit you've made. Of course, my farm types [go] nuts about asset forfeitures for farm products [but] my guess is that [Disneyland] would never use undocumented persons again if you had forefeited the Matterhorn." Brown was referring to the federal Immigration and Naturalization Service recommendation that Disney pay a $394,840 fine for violating laws requiring documentation of workers' immigration status.

Conflict over how to deal with illegals, and the political skirmishes that accompany that conflict, were most noticeable during the waning days of this year's legislative session. Democrats pushed through a number of bills, including one by Palm Desert Democratic Assemblywoman Julie Bornstein that imposes state penalties and asset forfeiture for convicted smugglers of illegal immigrants. Another bill, by Los Angeles Democratic Senator Art Torres, transfers undocumented felons to the Immigration and Naturalization Service as soon as they are convicted. (see following story). And Santa Clara Democratic Senator Alfred Alquist authored a bill to require first-time driver's license applicants to show proof of legal residency. Alquist's measure proved one of the most controversial.

Republicans, meanwhile, focused on reducing the magnet of services. Assemblyman Richard Mountjoy of Monrovia, for one, turned up the heat during Assembly floor sessions by repeatedly introducing amendments to cut off public services for illegal immigrants. His amendments were routinely squashed by majority Democrats, but some observers saw them as attempts to put Democrats on record as voting against

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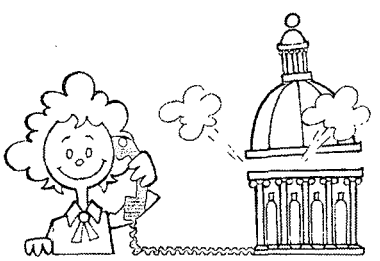

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immigration reform. One of Mountjoy's efforts would have banned the use of state money to educate undocumented children, which required overturning an earlier court decision.

But not every proposal near and dear to Republicans was defeated, and at least one Mountjoy idea popped through — albeit, after being commandeered by Democrats. This was the Alquist bill, requiring first-time applicants for a driver's license to prove they are U.S. citizens or legal residents. It also allows drivers to get a temporary license while their residency is being verified and carries a warning that the license does not establish eligibility for employment, voter registration or welfare. If signed by Wilson, the law will take effect March 1, 1994.

The license bill highlighted conflicts brewing within the Democratic Party and among Latinos. Proponents of Alquist's bill argued that it would stem the flow of illegals by making California less attractive to people who won't be insured to drive, and because a driver's license also is mistakenly used by employers to verify eligibility to work. Opponents countered that immigrants won't be deflected by the fact that they can't get a driver's license. More important, some Latinos feared that the proposal could lead to greater harrassment of people of color.

"If we're going to have that legend on the driver's license that it will not be used for employment, voter registration or services, then why go through the incredible document production to establish residency?" Escutia stormed during the floor debate on the bill. "In the final analysis, only people like me will be forced to show residency."

Escutia complained that the bill accomplished little in the way of substantive action and merely was designed to allow Democrats to tell their constituents that they had done something about the problem of illegal immigration. Not every Latino agreed with Escutia, however. In fact, Alquist's Assembly floor jockey was a Latino — Democratic Assemblyman Louis Caldera of Los Angeles.

Caldera initially opposed the bill, saying a license provided one of the few forms of positive identification, complete with a picture and address "of people involved in car accident with you." Moreover, not having a license could cause illegals to bolt the scene of an accident because "you just upped the stakes for them" if they are asked to show a driver's license and can't.

Caldera said he changed his mind on the bill because it looked as though it had enough votes to pass, and he wanted to be a player in the process to refine it.

"I think some of [my original concerns] are still legitimate," he added. But at least this bill "addresses the nexus between jobs and illegal immigration," since many employers still do not know that the driver's license is sufficient to establish eligibility to work. The new language on licenses will address that concern, he said.

The issue that seems most divisive for Democrats, and has created some unlikely alliances between liberal Democrats and Republicans, is sanctions against employers who hire illegals. Nearly all Democrats agree that illegals come to the U.S. seeking jobs, not health-care benefits or an education. "If there are jobs here that undocumented workers will take because they're willing to work for nothing, simply because nothing is more than what they're getting now, then you're going to continue to have that flow" of illegal immigrants, said Torres of Los Angeles, who supports sanctions.

Torres and others want to cut off the supply of jobs by enforcing federal sanctions against employers who hire undocumented immigrants. "The only person in America who is enforcing employer sanctions now is Bill Clinton," Torres added, referring to Clinton's rejection of cabinet nominees who had hired illegal domestic help.

But employer sanctions are anathma to Republicans because they hammer a traditional GOP constituency — the business community. Employer sanctions also make some Latinos nervous. Escutia, for one, worries about the impact of sanctions on *all* Latinos, not just illegals.

"I know that's a dual-edged sword for us as Latino Democrats to be arguing that, hey, we have to enforce what's already on the books — and that's employer sanctions — knowing damn well that by enforcing them we are leading down a path that will cause discrimination against people like myself and my community," she said. "There've been documented cases of discrimination because employers just don't know which documents [employees offer as proof of legal residency] are real or fraudulent. What ends up happening is they don't want to take a chance on hiring someone who looks like me and so they hire someone who looks like you."

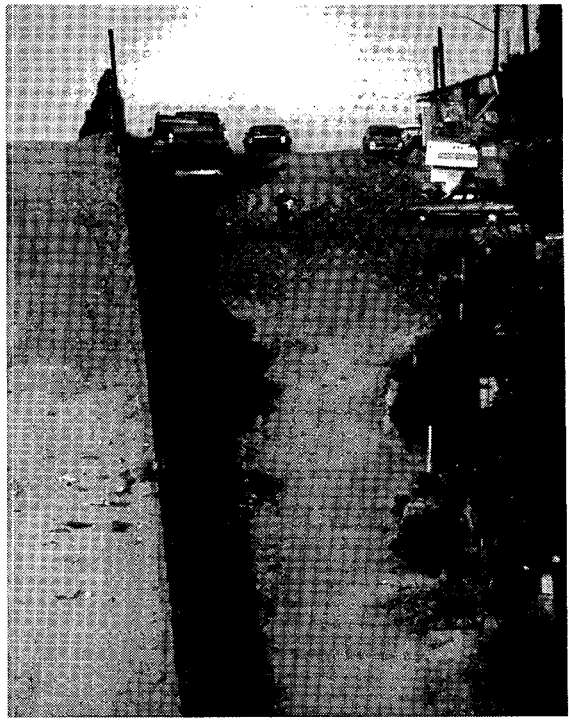

photo by John R. McCutchen, San Diego Union-Tribune

Wilson said that the ease with which illegals can find very convincing counterfeit documents make employer sanction cases difficult to prosecute. "Under the present system," he said, "the law is largely unenforceable because, in fact, employers really cannot fairly be held to penalties because it's almost impossible for the INS to tell the difference, and they've got pretty sophisticated equipment."

Wilson said he might support some employer sanctions if California were made a test state for a federal, tamper-proof identification card that could be used for verification of legal residency. He's called on President Clinton to institute just such a test program in California. "If you have a card that is in fact tamper-proof ... it would certainly be fairer to impose tough sanctions on employers who, with the opportunity to be protected by a tamper-proof card, ignore that," Wilson said.

One sanction Wilson is dead-set against is asset forfeiture. An asset-forfeiture bill sponsored by Polanco and Democratic assemblymen Tom Umberg of Santa Ana and Tom Connolly of Lemon Grove died on the last day of the legislative session but promises to be resurrected next year. It would give state

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and local law-enforcement agencies the authority now enjoyed by the federal government to enforce laws against those who hire illegal immigrants. Repeat offenders could lose equipment, research products and even records.

Wilson opposes asset forfeiture as "overly onerous," according to Schnur. The governor prefers to concentrate instead on ending federal mandates on states to provide services to illegals — a stance that makes some Democrats apoplectic. "Is someone asking ... if they would rather have [the] children out on the streets?" said Assemblywoman Hilda Solis, Democrat of La Puente.

Denying a service such as medical care raises issues of conscience and safety, as well as of cost. Health officials worry that denying care to illegals not only would be inhumane but could contribute to the spread of contagious diseases — thus, increasing costs to health-care providers. "You end up jeopardizing the whole community. Communicable diseases have no boundaries," said Polanco.

Wilson would not have doctors violate the Hippocratic Oath but rather have the "choice" whether to provide services. "What people are confusing is the absolute denial of services, which we are not proposing, with the lifting of the mandates forcing doctors and hospitals to provide health care services to illegals, which we are proposing," Schnur said.

"No one is suggesting that a doctor not provide care to someone in need," said Wilson. "If in fact a doctor comes on someone in need of emergency care, I would expect that doctor as a matter of conscience and the oath they've taken to render the care." But, he said, "They should be able to file a claim and receive reimbursement from the federal government for that purpose. There's a tremendous difference between rendering that care and advertising that you're going to do it."

Schnur noted that even President Clinton has indicated that undocumented immigrants will not be covered in his sweeping, national health-care reform plan, and said that Henry Cisneros, secretary of Housing and Urban Development, also supports denying government health and welfare benefits to undocumented immigrants and their families.

When asked how Wilson envisions mandate relief, Schnur acknowledged that the details are still sketchy. "But you would not deny educational services to a child, regardless of citizenship status, that had already begun the educational process," he said.

Meanwhile, politicians of every stripe continue to propose ways to deal with the problem of illegal immigrants. Among those floated during the past year are:

• Tying passage of the North American Free Trade Agreement to treaties to ship home undocumented felons, who cost California taxpayers about $500 million per year. The idea, originally discussed by former Republican U.S. Senator John Seymour, now is championed by Kathleen Brown. NAFTA supporters oppose the idea because they fear that imposing additional side agreements to the plan could sink it.

• Imposing a $1 border-crossing toll to pay for beefing up border patrols — an idea pushed by Feinstein. State Department officials have warned that the fee could damage relations with Mexico and Canada, since it could be viewed as a restriction of commerce. They also say that the $400 million in anticipated revenues based on the number of crossings last year is optimistic, since travelers would consolidate crossings to avoid the fee, while others would try to cross illegally. Supporters, including Feinstein, note that international air passengers already pay a $10 fee to enter the country and say the money is badly needed for border patrols.

• Stationing National Guard troops alongside federal INS agents at the border, a proposal urged by Boxer. She was excoriated by Democratic colleagues, who accused her of militarizing the border, and Republicans such as Wilson, who said the idea doesn't make sense.

• Deporting undocumented felons (see story, page 21).

• Cracking down on those who come here legally with a visa and never return home. In 1991 an estimated 317,827 visitors overstayed their visas.

The problems caused by the growing numbers of immigrants — both legal and illegal — are real, not some fabrication meant to create a scapegoat. But the scope of the problem is in dispute. What is not in dispute is that an election season is just around the corner, and immigration is a front-burner issue. For elected officials and candidates, the temptation is to apply rhetoric and blame to an inflamed situation — a tactic that could play well in an election year but exacerbate the already difficult task of devising substantive and lasting solutions.

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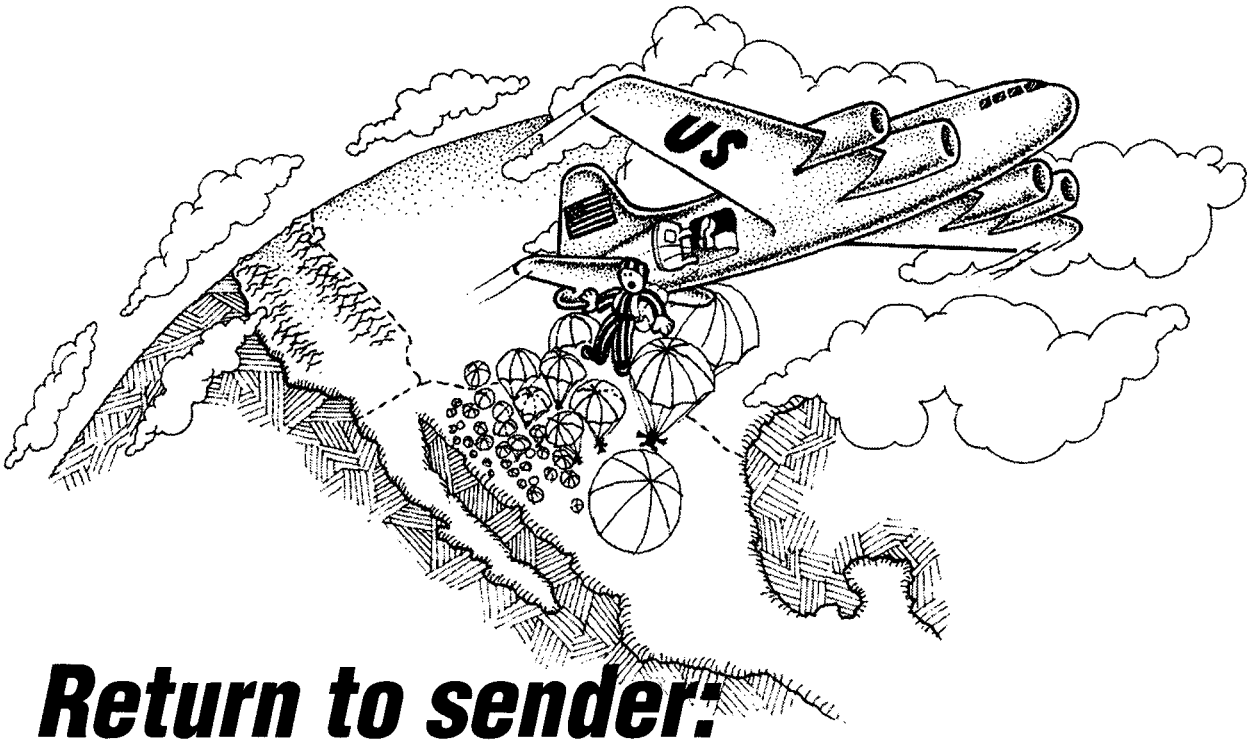


illustration by Pierre Babasin

Return to sender:

Deporting illegal aliens convicted of felonies

By Danielle Starkey

As lawmakers look for ways to reduce state costs associated with illegal immigrants, an old idea has gained new currency: Deport undocumented felons.

Why, the argument goes, should California — or any state — pay to imprison those who are here illegally, especially since U.S. immigration policy, and the failure to adequately enforce it, is a federal responsibility?

According to state corrections officials, California taxpayers spent about $318 million last year to imprison undocumented felons, who make up about 14 percent of the state's total prison population. If the cost of housing undocumented wards in county jails and the California Youth Authority are added in, the total is closer to $500 million per year. What is more, this estimate is conservative, since an unknown number of illegal immigrants in prisons so far have evaded detection.

If the state's prison population grows from 109,367 to 117,923 next year as anticipated, and if costs remain at about $20,000 per inmate per year, taxpayers could spend $350 million next year to imprison criminals illegally in California, said Tip Kindel, spokesman for the state Department of Corrections.

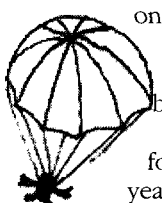
"When you look at this cost, it is not a $300 million cost for one time, but every year we spend that," said Democratic Assemblyman Richard Polanco of Los Angeles. "In the past three years, we've spent close to a billion in taxpayer dollars we don't have [to incarcerate undocumented felons]." That money could have been used to help feed poor children and keep medical clinics open, Polanco said. "We'll continue to [spend that amount on undocumented felons] if we don't change our policies."

But as with many simple solutions to complex problems, deporting undocumented felons is fraught with difficulties: diplomatic, constitutional and practical.

Most often mentioned is the concern that once convicted and deported, the felons will slip back across the border without having served any time at all. "Why would a conviction reached here be viable in another country?" asked Virginia Kice, spokeswoman for the U.S. Immigration and Naturalization Service's western region. "And let's be honest here. If they really were violent criminals, some countries aren't going to be real eager to take them back."

Even if other countries agree to accept felons convicted in this country, there is the complication of agreeing on sentencing. In Mexico, for example, the death penalty is considered cruel and unusual punishment, and the Mexican government repeatedly has sent diplomats here on behalf of Mexican nationals who inhabit San Quentin's death row. Among those that Mexico has taken an interest in is Ramon Salcido, the Napa Valley winery worker who in 1989 murdered seven people, including his wife and two daughters.

In addition, the Geneva Accord on international human rights forbids countries to send home prisoners unless the prisoner and receiving and sending countries agree on the transfer. That agreement has seldom been reached because either prisoners have not applied for it or one of the governments blocked the transfer.



Since 1977, the United States has had a treaty for prisoner transfers with Mexico, and in the five-year period from January 1988 to the present, just 104 Mexican nationals in California prisons applied to be transferred under the treaty. Only seven of them were actually transferred.

"Most didn't meet the criteria of the treaty," said Craig Brown, undersecretary of the California Youth and Adult Correctional Agency. Of the 104 who applied, 43 were denied because they had been in the U.S. for more than five years prior to their arrest; 21 were denied because either the U.S. or Mexican government didn't agree to the transfer; and a few

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withdrew their application, Brown said.

Of the inmates denied transfers by the U.S. government, most were major drug dealers, "And if they got to Mexico, they had lots of money and could get back here [without serving the time] the people of California would expect," Brown added.

Still, the treaty has worked well for Texas, which has sent home close to 350 Mexican nationals, according to Democratic Senator Art Torres of Los Angeles. At a recent hearing on immigration issues, Torres said that more California prisoners would seek this option if they knew about it, but they don't know about it, he asserted, because Governor Pete Wilson blue-penciled a budget item this year to have the Board of Prison Terms notify them of this option. "We are at a loss to understand why California hasn't acted more aggressively on this," said Torres.

Wilson spokesman Dan Schnur said the money would have been wasted, since inmates have one of the best communication networks in the world. "The information is already out there, but they're not taking advantage of it not because they're not aware of it, but because they don't want to," he said. "Amnesty International can do a better job of describing Guadalajaran prisons than I can."

Craig Brown said that prisoners also have lawyers who can tell them their options, or can look up the information themselves in prison law libraries. He acknowledged that Texas has sent about 350 undocumented felons back to Mexico since 1977, but added, "Texas hasn't done any [prison transfers to Mexico] since April 1990, and we [in California] have done three in the last two years.

"It takes consent," Brown added. "If you were the inmate, you'd consent if it were in your best interest, and obviously, in the late '70s and early '80s, a lot felt they'd be better off in Mexico than Texas [prisons]." But at that time, Texas prisons "were under court order" since they failed to meet constitutional standards protecting inmates against cruel and unusual punishment, Brown noted. "Now that they're running a prison system that's up-to-date and safe, the numbers [of prisoner transfers] have dropped off."

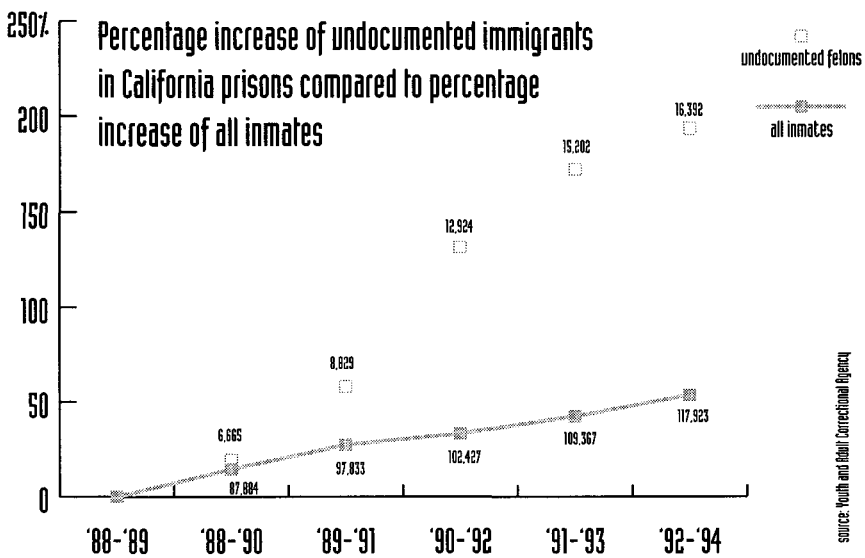
In any case, he added, the notification requirement should have been given to Corrections, not to the Board of Prison Terms, which deals only with inmates sentenced to a life term — about 10 percent of the prison population.

Torres, who chairs a committee studying the impact of immigration on California taxpayers, says the problem should be dumped in the lap of the federal government, which has responsibility for immigration policy and border patrol. To that end, his SB 1258 — which passed the Legislature and is on the governor's desk — would require corrections to immediately transfer undocumented aliens who are convicted of a felony to the INS.

"Let the federal government house them until the determination is made regarding their status," said Torres. INS officials say there aren't enough beds to suddenly accommodate the masses of undocumented felons who would be released to them. "Our detention facilities are limited," said Michael Flynn, program manager for INS investigations in the western regions.

Torres isn't moved by their tales of woe. "We should not have to pay for the costs of undocumented aliens convicted of felonies ... given the fiscal problems facing the state, we can no longer afford to continue housing undocumented felons at $350 million per year."

Corrections' Craig Brown thinks Torres' idea is unworkable. The state of New York already filed suit against the U.S. government in 1992 to force it to accept 3379 illegal aliens in New York prisons who had completed their minimum sentence and were eligible for parole or work-release programs, and even that didn't work. Federal law requires that the INS take custody of and begin deportation hearings against undocumented felons who have completed their minimum sentence and therefore are eligible for early release into supervised custody. But a federal district court judge ruled in February that the U.S. government had no obligation to assume custody of New York's undocumented felons who'd completed their minimum sentence because state and federal sentencing guidelines are different, and the inmates may have stayed in prison longer under a federal sentence.



"So we're supposed to do something New York tried and failed [to do]?" Brown asked.

But Torres maintains that the federal government needs to assume greater responsibility for its immigration policy. "It's a federal issue. I think the only way to deal with this issue is to deposit these undocumented felons into their custody, and if they refuse to take them, then at that point we go into federal court and get a writ of mandate and proceed along legal grounds to make sure that they do," Torres said.

Francisco Lobaco, legislative advocate for the American Civil Liberties Union, said civil rights groups fear that deportation upon conviction could compromise due process rights for undocumented immigrants, if they face severe difficulties in attempting to appeal their conviction from abroad. "Just because you're undocumented, doesn't mean you don't have the right to due process [under the law]," he said.

State Attorney General Dan Lungren also raised this objection before the House Governmental Organization Subcommittee, which was meeting recently in Los Angeles.

Another idea is to pay for prisons *in Mexico* to house

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undocumented felons. That idea is in a bill (AB 87) by Republican Assemblyman Mickey Conroy of Orange that would require the Department of Corrections to conduct the study to determine the steps and costs involved in constructing and maintaining a men's prison in Baja California, in cooperation with the Mexican government.

According to Conroy, labor and construction costs are cheaper in Mexico than California, and Mexican prisoners would have an incentive to serve their sentence in Mexico since it could mean they'd be nearer their families. Conroy acknowledges that his bill would require negotiations with Mexico, and that Mexico may view the proposal as an invasion of its sovereignty. His measure received a lukewarm reception in the Legislature this year and has been made into a two-year bill.

Fighting the federal government to recover reimbursement for immigrant-related expenses is an old and losing battle for California. Even though the 1986 Immigration Reform and Control Act contained language "authorizing" the federal government to reimburse California and other states for the costs of incarcerating undocumented felons, when Wilson requested $250 million for that purpose this year, the money never arrived.

As chairman of a subcommittee preparing the state budget earlier this year, Polanco said he wanted to cut $250 million from the state corrections budget anticipating that money from the federal government. Polanco said that Wilson, who has been complaining about what a drain undocumented immigrants are to the California economy, should have let that cut stand. Wilson, instead, restored the money to corrections.

The Wilson administration countered that the subcommittee's decision to cut the $250 million from the corrections budget was a "cynical maneuver" by Democrats, who simply were looking for a way to cut the corrections budget. The Correctional Peace Officers Association is one of the Republicans' staunchest allies and most generous campaign contributors. "The [subcommittee] took it out based on the assumption that the federal government would reimburse" California for those costs, said Wilson spokesman Schnur. But then the federal government made it clear that it wasn't sending the money, and in fact California will get less than $600 million of the $1.45 billion Wilson had requested to help defray the costs of its undocumented population, he said.

"The impact of their $250 million cut," Wilson said, "would have been the wholesale release of dangerous people onto the streets." Wilson said he wants California's 52-strong congressional delegation to co-sponsor an appropriation to reimburse California for the cost of incarcerating undocumented felons.

While Polanco said he backs Torres' proposal, he stresses that the number of undocumented immigrants in state prisons will continue to grow in proportion to overall illegal immigration, and urges other measures to ease pressures to immigrate. And INS spokesman Flynn cautioned that care be taken in proposals to deport undocumented felons. "If we as a society set up laws to punish people who commit criminal acts, it would be unjust to someone who was born here to imprison them [and in effect] let someone else go free because they weren't born here," he said.

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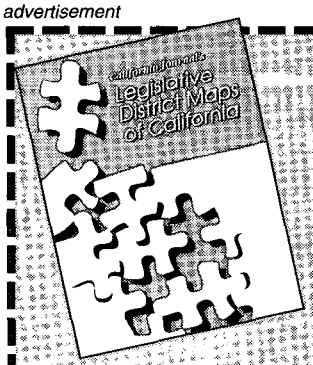

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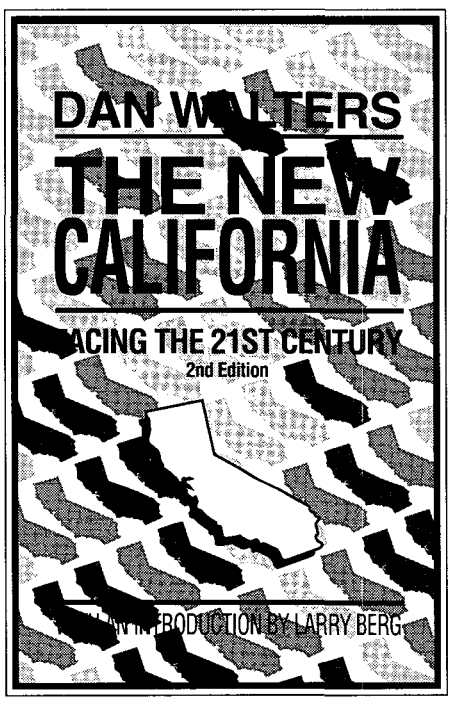

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Soapbox
OPINION

Want a solution to illegal immigration? Make them all legal. Sound crazy? That's how we solved the illegal immigrant problem in the 1980s; Congress passed a law making them legal residents. It's just one example of the crazy-quilt immigration policy in this country that's now badly straining California's ability to cope with its exploding population.

California is having a fit about illegal immigration, but this hubbub focuses only on the tip of the iceberg. Although an unofficial Census Bureau report estimates that we have two million illegal immigrants in California, our own Department of Finance counts an additional 6.1 million legal, foreign-born residents.

The Census Bureau's foreign-born count for California is 6.5 million. All this means that we have anywhere from 6.5 to eight million immigrants living in this state — almost one-quarter of all the people in California. How did this ever happen?

The villain is in Washington, not here. In 1986 Congress passed the Immigration and Reform Control Act, with the best of intentions of stemming the tide of illegal immigration. Congress chose an easy way to deal with those already here: It made them legal residents through a process called "amnesty." In 1990 Congress followed up by further liberalizing the 1986 law.

By Tony Quinn

The upshot has been an incredible increase in legal noncitizens living in California. Census counts show that 3.2 million persons immigrated to California from outside the United States in the 1980s. As of 1991, 1.6 million former illegal aliens had been legalized in California, more than half the entire national total.

The 1986 law created a category of "special agricultural worker" (SAW), and more than 1.2 million so-called SAW aliens were legalized in 1991, again more than half of them in California. But the California SAW amnesty number, 700,000, is *twice* the total number of actual agricultural workers in California. It's clear now that SAW was a huge loophole through which thousands of otherwise illegal workers became legal. These aliens also obtained family unification rights. The 1990 law provides 55,000 visas a year between 1992 and 1994 for families of the legalized aliens.

Add to this liberal refugee and asylum laws in the United States, with their often absurd results. Santa Clara County reports that 40 percent of its welfare cases are legal immigrants with sponsors who had signed pledges promising that the aliens would not become a financial burden. But the sponsors disappeared once the immigrants arrived.

Perhaps the silliest of all is a policy adopted during the Bush administration that allows Chinese fleeing China's draconian birth-control laws to claim asylum here. There are roughly half-a-billion Chinese of child-bearing age who theoretically might qualify for American asylum. Young Chinese on boats sailing toward our shores could claim asylum if they can land. Once the claim is made, up to 80 percent never show up for their hearings, according to the Immigration and Naturalization Service (INS). They just disappear into society.

The result is more than 70 percent of aliens in California have a right to be here. And others have a right to come. A quarter-million refugees were granted legal permanent residence in California in the 1980s.

If California faces an immigration crisis, it is not because of porous borders, professional smugglers or even a profusion of illegal aliens. It is because federal laws make it relatively easy to get here and to stay here. And once here, immigrants don't leave; and why should they? No previous generation ever did.

At the same time, immigration, legal and illegal, is having a monumental impact on California. There's no question that California's continuing high growth, with its impact on jobs, housing and infrastructure, is immigrant-driven. More than 237,000 *legal* foreign immigrants arrived in California in fiscal 1992, while a net of 150,000 natives left for other states.

So our concern should not focus on illegal aliens alone, but on the overall impact of both legal and illegal immigration. This wave of immigrants, like all past waves, arrives with less skill and lower English proficiency than the native population, resulting in immigrants occupying the lower-paying jobs, many of which have disappeared in the current recession.

In times like these, immigrants are more of a financial burden on the state than in boom times. The restaurants that are not open because of the recession are not employing the busboys who found these types of jobs when they arrived in the 1980s. Unfortunately, that does not keep them from coming; California still is a field of dreams — we built a global

---

Tony Quinn is vice president of Braun Ketchum Public Relations in Sacramento. He has written extensively on demographics-related issues.

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economy, and they will come seeking a better life.

A 1992 study in Los Angeles put some numbers to the equation. It found 700,000 illegal aliens in Los Angeles County, about 8 percent of the population. But it also found 2.45 million legal foreign-born residents, half of whom were either legalized through amnesty or had arrived legally since 1980.

The study also found 250,000 citizen children of the illegal aliens. There probably are at least three times as many citizen children of legal residents, so it is not overstating the case to assert that immigrants account for four million of Los Angeles County's nine million people.

Yet the study also makes clear that California taxpayers are subsidizing these new arrivals in the billions of dollars. It is costing Los Angeles County nearly $1 billion, and the Los Angeles Unified School District $1.5 billion, to provide services to recent legal immigrants, the legals and their children.

Those immigrants, however, generate only $139 million in county revenues, although they generate more than $4.3 billion in total revenues to federal, state and local government. But their service needs are concentrated at the local level. This is a genesis of the debate over whether immigrants are a boon or a burden, and the answer is that they may be a boon to the federal government but are a burden to locals.

The immigrant population is hardly homogenous, but the illegal population is overwhelmingly Hispanic, with 70 percent of Mexican origin, according to INS figures. Because the problem is thought to originate in Mexico, the focus has been on the American-Mexican border, with a variety of proposals floated by politicans of both parties (see story, page 15).

But would a fortified border really solve the problem, or would we just build ourselves a Maginot Line? This French fortification was supposed to keep the Germans out, but in 1940 the Nazi blitzkrieg went right around it. If smugglers can sail ships full of people thousands of miles from China, how much trouble will they have sailing a few miles around the border?

The attraction of First World wealth to the impoverished of the Third World is obvious; place them side-by-side and the pressures are enormous. No border fortification can stop the flow; it's like the wind passing between a high-pressure and low-pressure area. The Maginot Line did not work; the Berlin Wall did not work. Nor will the U.S. border.

But there is an answer: NAFTA — the North American Free Trade Agreement. NAFTA's greatest potential for California is not what free trade does for us, but its potential for Mexico. In the words of Roberto Salinas Leon, a former Heritage Foundation fellow, "Mexico is eager to become part of the First World." It won't be easy. This is a country of 82 million people — 60 percent of them under the age of 30 — that sees 1.5 million workers join the labor force every year. That demographic fact says it all; without jobs in Mexico, they come north. If NAFTA fails, count on a far worse illegal-alien crisis in California.

Migrations driven, as is this one into California, by cravings for a better life are a fact of human history that no borders can control. Economic reforms already underway in Mexico, and the promise of NAFTA is not only the ultimate answer to California's in-rush of illegal immigrants. It is the only answer.

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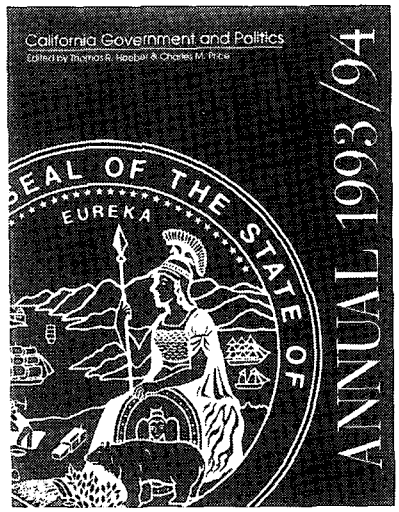

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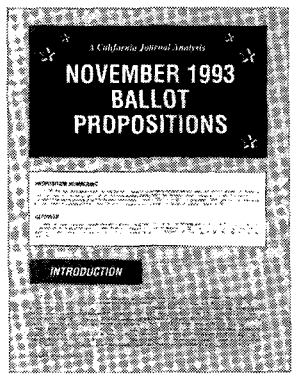

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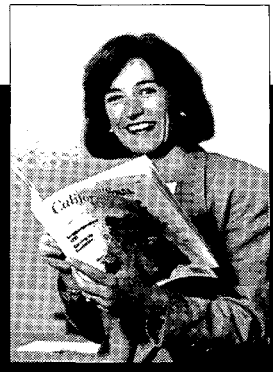

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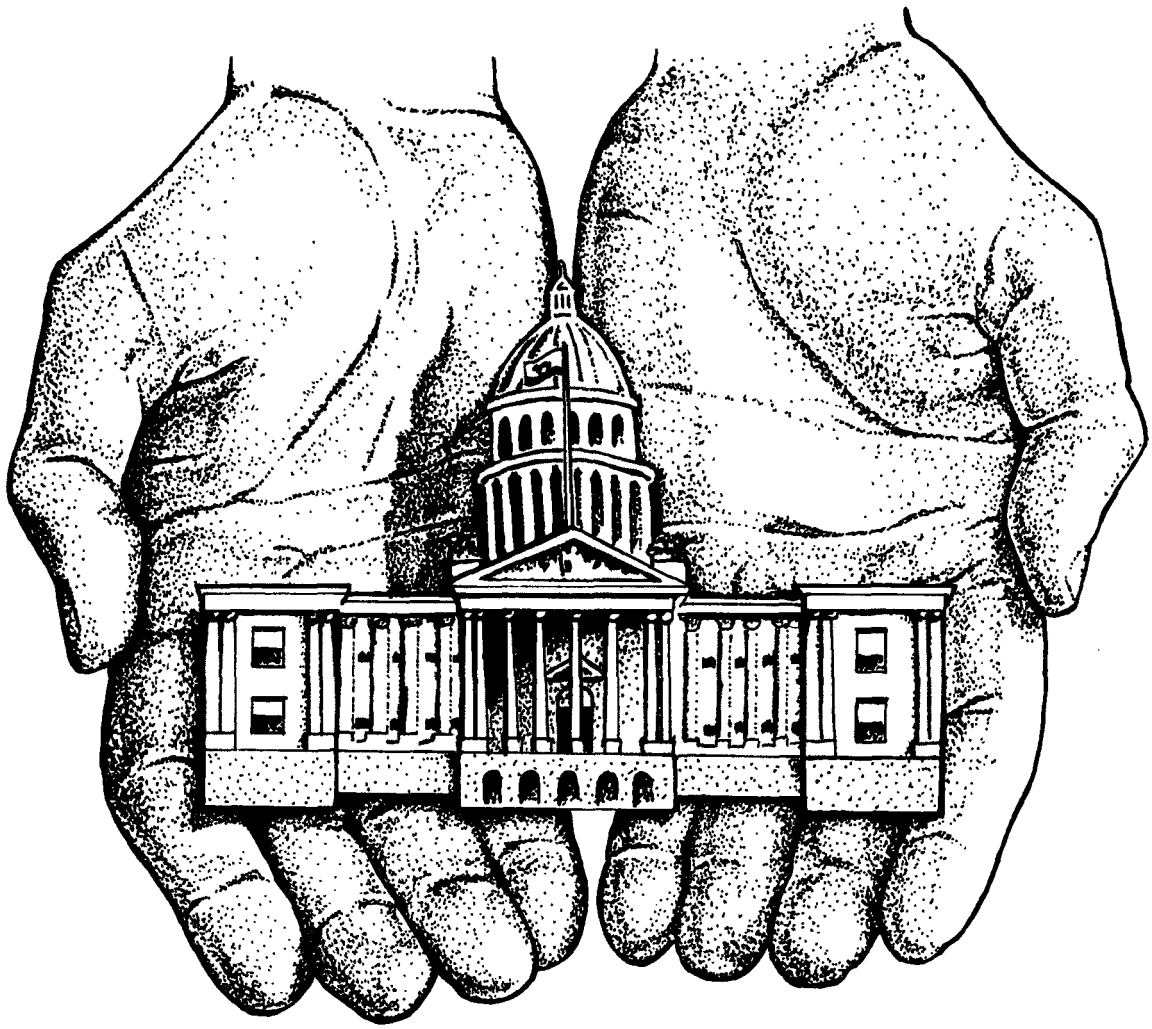

illustration by Patricia Lyn Tweten

Advocacy in the age of term limits

Lobbying after Proposition 140

By Charles Price

It never takes much to get a politician talking during an election year, and it seemed the one doing the most talking during 1990 election wasn't even running for office. Pete Schabarum, then a Los Angeles County supervisor, was on the hustings a lot during 1990, hawking Proposition 140, the term limit and legislative budget-cutting initiative. Schabarum would start spinning his term-limit spiel at the drop of the hat, and invariably the topic would turn to "special interests."

"Proposition 140 will remove the grip that vested interests have over the Legislature," thundered Schabarum, to anyone who would listen. "It will put an end to the lifetime legislators, who have developed cozy relationships with special interests." Term-limited legislators, it was argued, would be more attuned to the public than they would be to "lobbyists and power brokers" generically identified with most of the evils of politics and government.

Well, the public bit hard on Schabarum's bait, approving both Proposition 140 and the follow-up Proposition 164 in 1992, which limited the terms of California's members of

Charles Price is a professor of government at California State University, Chico, and a frequent contributor to California Journal.

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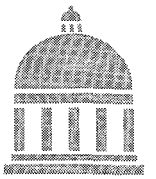

Classification	Number	Percent
multiple contract firms	232	55
corporation	31	7
trade association	31	7
local government	29	6
public interest	26	6
professions/employees	26	6
labor	14	3
farm	11	3
utilities	9	2
health	7	2
miscellaneous	8	2
TOTAL	**424**	**100**

Congress. But while most of the focus of the term-limit debate has centered on its effect on career politicians, those "power brokers" continue to quietly ply their trade. Many believe their influence — particularly that of veteran, "career" lobbyists — will increase geometrically when term-limits fully hit their stride in 1996.

Lobbyists have always had a substantial influence in the affairs of California government and politics. Tall tales about the legendary Artie Samish keeping governors cooling their heels in his office abound from those around during the so-called "Golden Days." However, ever since the rules on lobbying tightened following the passage of the 1974 Political Reform Act, lobbyists continued to play a dramatic role in Capitol politics. One reason is sheer numbers.

There are 1021 registered lobbyists in Sacramento — about nine lobbyists for every legislator and more than a third again as many as were around at the time the Reform Act was approved by voters. Just about every group with a product to peddle or an axe to grind has someone on the payroll or on retainer in Sacramento to lobby their interests with the Legislature and the administration. Roughly 41 percent of these lobbyists are what could be classified career lobbyists — six or more years of experience. Veteran lobbyists tend to be white, male and middle-aged — few are African-American or Latino, only about 20 percent are women.

The lobbyists that enjoy the greatest success tend to be those who have been around awhile. "A lobbyist's experience is an important dimension in lobbying," notes Dugald Gillies, a lobbyist in Sacramento since 1967. "Lobbyists who have a public policy memory can be invaluable."

Lobbyists often develop close personal relationships with legislators, relationships that help them gain access and trust. "There are no great lobbyists," veteran lobbyist Judge James D. Garibaldi said shortly before his recent death. "There are only lobbyists with great friends across the street [at the Capitol]."

Until now, the experience of lobbyists has been offset more or less by the experience of legislators themselves. Roughly 11 percent of the lobbyists currently working in Sacramento have 18 or more years experience in advocacy. By contrast, 16 percent of legislators — 19 out of 120 — have been around that long. Until his death, Garibaldi was the dean of the Third House, having started his lobbying career in 1946. But that still put him behind the dean of the Legislature — Democratic Senator Ralph Dills of Los Angeles, who began his Assembly career in 1938.

As Proposition 140's limits begin to take effect, however, this dynamic will change. Assembly members will be limited to six years in office, with senators limited to a maximum of eight years. This means that the longest any legislator will be able to serve is 14 years — less time than that 11 percent of lobbyists that have been around since 1975. Currently, 41 percent of all lobbyists have been around for at least six years (see chart above). By 1997, if current trends continue, as much as half the lobbying corps will have spent more time in Sacramento than *any* member of the state Assembly — a situation that could be exacerbated when all of those term-limited ex-lawmakers begin lobbying after sitting on the sidelines for the one year mandated by law.

In this kind of environment, the veteran advocate, and his or her client, has a clear advantage. "It takes a couple of terms to learn something about the process," said Garibaldi.

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"I've got a store of knowledge on wholesale liquor issues that goes back 37 years." Patricia Hewitt, who became one of the first women to work as a contract lobbyist in 1971, agrees. "Experience is critical to lobbying," says Hewitt. "After you get known as knowledgeable in a policy area, legislators and staff will call to get your input on pending legislation."

Since experience is a valuable commodity in any profession, the most veteran lobbyists tend to represent major economic interests and large mass membership groups — the entities with the wherewithal to afford the best. Much of this activity centers around large, multiple-contract lobbying firms — more than half the career lobbyists either run or work for multiple contract firms (see chart, page 30). Most of these firms have one or two lobbyists, representing five to 10 clients. But some of the Capitol's "Jurassic Park" of lobbying have grown to Rexian size. George Steffes employs eight lobbyists and serves 64 clients. Advocation, California Advocates and Sacramento Advocates all employ between three and six lobbyists and carry from 37 to 46 clients. Some of the biggest of the big-shot clients use more than one lobbying firm. Browning-Ferris Industries is represented by no fewer than five lobbying firms. Phillip Morris uses four different firms, and R.J. Reynolds and Whittle Communications each use three firms.

Adding to the strength and continuity of these firms is the people they choose as lobbyists. Some, like Garibaldi and former Senators John Foran and Dennis Carpenter, are ex-legislators. Others include former legislative staff, veterans of prior administrations and governmental agencies, and well-connected lawyers. A large number of career lobbyist firms employ spouses, siblings and sons or daughters, thereby heightening continuity. And then there are trade organizations, which can operate like contract lobbying firms in the manner in which they employ lobbyists. The California Farm Bureau employs nine lobbyists, and seven of the nine are careerists — three of them with more than 18 years experience.

What it all boils down to is knowledge, and in a term-limited Legislature, knowledge translates to power. Without veteran legislators around to "remember when," lobbyists will possess the institutional memory, shaded, no doubt, to reflect the interests of their clients. Moreover, budget cuts imposed by Proposition 140 will mean that legislators will have fewer policy staff experts on the payroll. Lobbyists could wind up becoming surrogate staffers, allowing savvy advocates to not only re-invent the past, but shape the present to their clients' advantage.

"In 1961, the Federal Arsenal at Benicia was slated to be closed," recalls lobbyist Gillies. "I helped put together legislation to allow the city to acquire this property. Now, several legislators have talked to me about using this same principle in their communities with various base closings. Nobody else around here knew about the previous legislation. That's knowledge."

Despite a general sense that experience will help lobbyists gain an edge under term limits, some warn that the experience advantage may be offset by some distinct institutional disadvantages. These disadvantages, argue some, may actually make it tougher for lobbyists familiar with the glad-handing and back-slapping of the "good old days."

For one thing, many of the new arrivals view themselves as "reformers", and thus, tend to be suspicious of lobbyists.

"Some of these new legislators won't even talk to you," sniffed an exasperated Garibaldi when asked about the 1992 crop. "[They] have a perception that lobbyists are terrible people," adds Hewitt.

Another development that complicates the traditional means of lobbying is the decline of social interaction between lobbyists and legislators. "In the old days, we used to have lunches together and lobbyists, senators and Assembly members got to know each other," recalls Grant Kenyon, long-time lobbyist for the California Restaurant Association. "The rule was that lobbyists would never discuss legislation at these gatherings — just socialize."

Many veteran lobbyists warn that this suspicion and distance could backfire on legislators and, ultimately, make the process less efficient and effective. Many view their experience as a tool that will help make the transition to the post-140 world smoother, if it is used.

"In the business world, people work together over long periods of time," says Kenyon. "That won't be the case with term limits."

Of course, one class of lobbyist will always be welcome — those whose clients also give out campaign contributions. While the terms of office may have changed, the campaign finance rules haven't, and fund-raising becomes even more urgent. "Today, the main interaction between legislators and lobbyists is at fund raisers," says 33-year veteran lobbyist Richard Ratcliff. "I understand from a legislator's standpoint that they have only so much time. They have to raise campaign money, so they have to prioritize who they see based on this."

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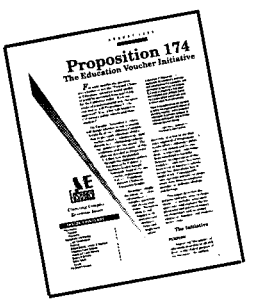

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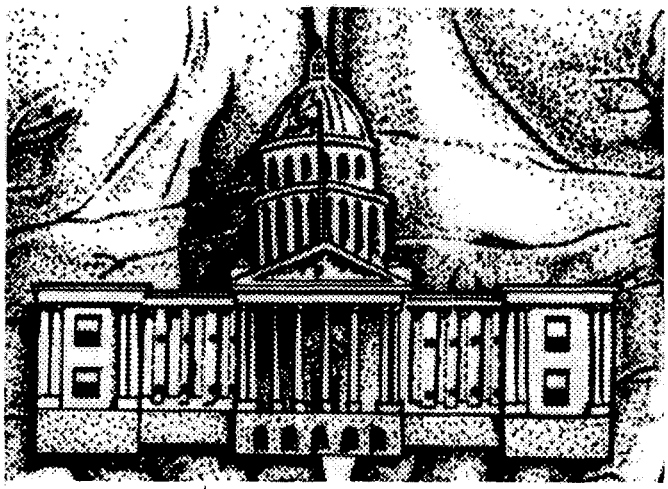
"This session [the first under term limits] has been business as usual," says 26-year pro Mike Dillon. "My guess is that lobbyists that represent groups with PACs will have a distinct advantage in gaining access."

Still, there are some who see term limits as helping those lobbyists who represent trade, labor and public-interest associations. Leslie Howe, who has lobbied since 1959 and currently represents the California Retailers Association, believes there will be more emphasis on grass-roots lobbying because of the increased turnover occasioned by term-limits. "New legislators are likelier to respond to an interest group's local constituents rather than their Capitol lobbyists," says Howe.



lobbyists that represent groups with PACs will have a distinct advantage in gaining access

And even if newcomers are suspicious of lobbyists at first, most veteran advocates believe the rookies will eventually seek them out, if for no other reason than simple desperation.

"There's a bill that's been introduced that, if I had known the author, wouldn't have seen the light of day," says Kenyon. "How in the world will people acquire enough knowledge in just four years to be chair of the water committee, for example?"

So what about those "cozy relationships" between special interests and legislators. Will they diminish under Proposition 140? Hardly. Expertise and know-how will continue to reside in the Third House, as will the ever-present pipeline to campaign money. Term-limits mean more turnover, more open seats, and more influence for the lobbyists whose clients can pour money into those seats. And when a lawmaker's time is up, lobbyists can point the way to post-Legislature employment — another of the potential dangers most feared by term-limit opponents. In any case, what the future promises in the Legislature is weak leaders, instability and rapid turnover. What the future holds in the lobbying community is seniority, expertise and influence.

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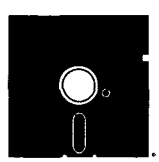

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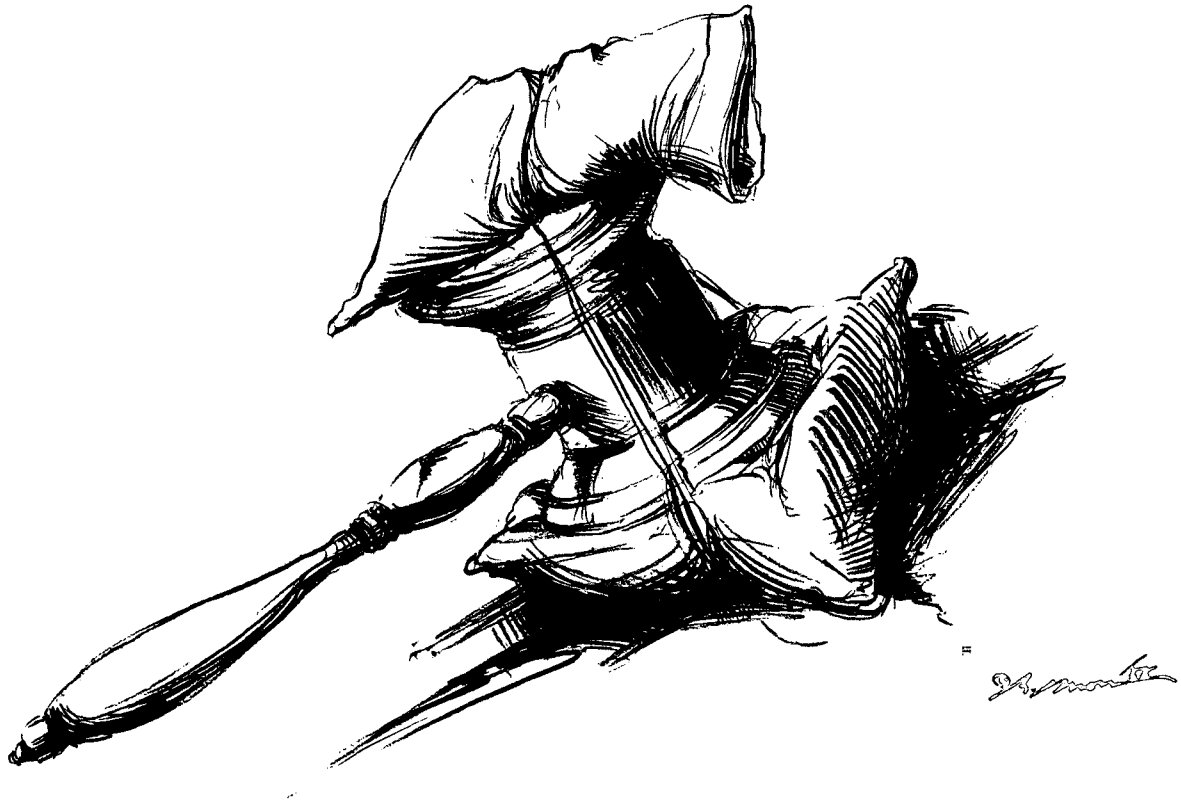

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Compromising on CEQA:

Changes in California's environmental law cushions the impact on business

by Mary Beth Barber

Democratic Assemblyman Byron Sher of Palo Alto called it the "third jewel in a triple crown" to improve the state's image and economy, with the first two jewels being the passage of the budget on time and workers' compensation reform. Sher, chairman of the Assembly Natural Resources Committee and long regarded as one of the Capitol's environmental strongmen, was referring to reform of the state's permitting process — specifically, the California Environmental Quality Act (CEQA).

Sher worked with other lawmakers and special interest groups to hammer out a compromise reform over the recent Labor Day holiday. The result of these labors was a package of bills that passed the Legislature without a hitch. "Some may say that the bills don't go far enough, others may say that

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it goes too far," said Sher. "I'm proud to say that we have a balanced package."

Reform of CEQA was one of a number of changes that business and industry groups pushed this year to improve the state's business climate and, they claimed, the economy. Business interests even formed a new, temporary coalition called "Californians Against Red Tape" (CART) for the sole purpose of pushing regulatory reform. The Legislature had resisted major changes to CEQA in the past because of pressure from environmentalists to maintain the principles behind the act, namely protection of the environment. But in 1992, numerous studies and reports from both Republicans and Democrats suggested changes to the permitting process and attracted the attention of a number of legislators, including Sher, who consolidated dozens of bills introduced by others into his AB 1888.

On the Senate side, Democratic Senator Ralph Dills of Gardena authored a competing bill (SB 919) sponsored by the California Manufacturers' Association. Environmentalists, however, abhorred it because the bill slashed holes in CEQA by allowing what they considered damaging exemptions for business. Eventually, environmentalists' fears were quelled when many of the objectionable exemptions were removed and Dills' measure was double-joined with Sher's AB 1888. That little action, however, brought down the wrath of CART, which considered the entire package unacceptable because too many exemptions had been deleted. CART opposed both bills and was soon joined by the manufacturers' association, which at first supported the amended versions but then changed its mind.

Thus, the two sides strapped themselves to the negotiating table over the Labor Day weekend. When they emerged from the sessions, no one was opposed to the bills. No one supported them, either — with all sides taking a neutral position. Thus, beloved by no one, the package passed the Legislature.

The new reforms mark a change in an environmental law that has governed development in California since the early 1970s. While CEQA has been protected in the Legislature by liberal Democrats and abhorred by business-oriented GOP members, the law ironically first was enacted by a Republican as part of a political strategy. When the GOP captured control of the Assembly in 1968, Bob Monagan was elected speaker. And throughout the 1969-70 session, Monagan courted environmentalists, who were gaining political power throughout the state, in order to secure their support in the 1970 elections.

Lawmakers moved quickly to enact legislation near and dear to enivronmentalists, said Tom Willoughby, former chief consultant to the Assembly Resources, Land Use and Energy Committee — forerunner of the committee Sher chairs today. "Since it was already early 1970, [lawmakers] had little time to consult with renowned experts or commission studies," Willoughby, now a lobbyist for Pacific Gas and Electric, wrote in a recent issue of *Land Use Forum.* Instead, GOP legislative staff created a document similar to the recently enacted National Environmental Policy Act. "This 'little NEPA' legislation was simply handed to Assemblyman John Knox, who agreed to be its author."

The original legislation seemed to be innocuous. State and local agencies were directed to prepare environmental-impact reports on "projects" and "programs" they proposed to "carry out." But CEQA also made it easy for ordinary citizens to delay or stop projects by challenging them in court, and a state Supreme Court decision two years after CEQA's passage, *Friends of Mammoth v. Board of Supervisors*, dramatically broadened the scope of the act to include private projects that needed state permits. Suddenly, one single citizen — or group of citizens — could challenge any project in court, and bring that project to a halt. "Justice Stanley Mosk looked at CEQA's expansive intent language and decided that the operative language had to be construed to fulfill the statement of intent," wrote Willoughby. "In one stroke, CEQA was established as an all pervasive public-policy requirement."

Friends of Mammoth was the first of a series of Supreme Court cases that strengthened CEQA and gave it a broad scope. "Because of these decisions, the lower courts clearly understood that it was their duty to give a liberal interpretation to the law," said environmental attorney E. Clement Shute, Jr., in *Land Use Forum.* "For the most part, courts have continued that tradition to the present day."

One of the first reforms that industry wanted from the Legislature this year was tighter restrictions on law suits based on CEQA. Industry groups claimed that projects were being delayed not because of true environmental concerns, but rather because individuals or small groups wanted to kill the project for other reasons. Don Collin, senior vice president for the California Building Industry Association, cited an example where a construction workers' union used CEQA to create more construction work

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on oil refineries that had to modify their facilities for reformulated gasoline.

"Opponents need only generate political heat and just enough light to make a 'fair argument' that the project may have 'a significant effect on the environment,'" said Collin. The bills passed this year changed the equation by requiring that factual evidence must be presented to stop a project. By raising the threshold for determining whether a project will have significant impact on the environment, legislators hope to curtail bogus CEQA cases that do nothing more than delay projects that would be built anyway.

Business groups also noted the excessive amount of paperwork required under CEQA. Companies complained that each change to a project, no matter how slight, required a totally new, comprehensive environmental impact report, or EIR, on the entire project. EIRs require expert opinions and investigation and may take months to complete. While industry groups would have been glad to see some simple exemptions, Sher pushed for a different structure of the paperwork. He proposed that projects be covered by a master EIR, and that subsequent changes be handled in supplements, rather than an entirely new EIR for minor changes or additions to existing facilities.

Other provisions in Sher's and Dills' bills included limiting litigation. Outside lawsuits could no longer be brought based on material not previously submitted to the companies in writing or during a public hearing if a full master EIR was required, unless the information wasn't available at the time. "These bills are an attempt to ensure that the litigation portion is not misused," said Sher. "But [it also] maintains the objective of the law," namely environmental projection.

"It's historic, in my opinion," said Republican Assemblywoman Doris Allen, speaking of the diverse groups that came together on the legislation. "While you may hear otherwise, it will bring jobs to the state."

During the negotiations, however, legislators like Democratic Senator Art Torres of Los Angeles were concerned about the identity of various business groups involved at the table — namely, CART. The organization claimed to be a coalition of different groups interested in reforming the permit process, including the Federation of Minority Business Associations and the National Federation of Independent Business (small businesses), and industry powerhouses like the California Chamber of Commerce and the Western States Petroleum Association (WSPA). Its letterhead contains over 25 organizations, and CART claimed to have 125 who actually belonged. Like any other coalition, members had input to the working groups that determined policy, said Allan Zaremberg, lobbyist for both the chamber and CART.

But legislative staff and environmentalists saw CART as mainly speaking for two interests — the Chamber and the petroleum industry. There even was fear that CART might try to change the law through the initiative route if it did not get its way in the Legislature. As evidence of this fear, environmentalists pointed to CART's hiring of Woodward-McDowell — a public relations company specializing in ballot measure campaigns. CART denied considering an initiative campaign. But consensus from legislative staff was that oil interests and the chamber were the powerhouses behind CART policy. Members of CART referred questions on the organizations' position to chamber and WSPA lobbyists. And Sher pointed out that, during the Labor Day negotiations, CART pushed hard for CEQA exemptions for off-shore and on-shore oil drilling leases that had been issued before CEQA was enacted into law.

During a press conference, Sher alluded to the fact that the only industry interested in oil platforms would be, well, oil companies. He also pointed out that the lobbyist sitting at the table for CART was the same one who represented Chevron.

The chamber and CMA were two other influential CART members; CMA, especially, frustrated environmentalists throughout the process — mostly because it flip-flopped on support for Sher's efforts. At first, it backed Dills' amended SB 919. But when lawmakers returned from their summer vacation, CART opposed the bill, and CMA followed suit. "What is this, a tag team?" said a frustrated Sierra Club lobbyist. Eventually, both CART and CMA took neutral positions on both bills, following the Labor Day negotiations.

Environmentalists are breathing easier now that the bills have passed. But other industry representatives have said that the changes in SB 919 and AB 1888 only skim the surface of the changes they want to see, and another CEQA-altering package could be presented next year. And CMA president William Campbell, a former state senator, said during a press conference that CART had no intention of disbanding and could be back next year with more changes.

Sher smiled at his suggestion. "I'm always willing to *talk* to my friends."

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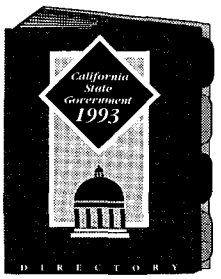

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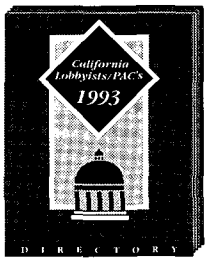

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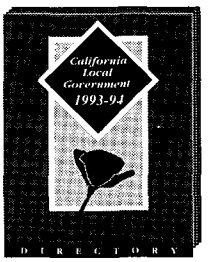

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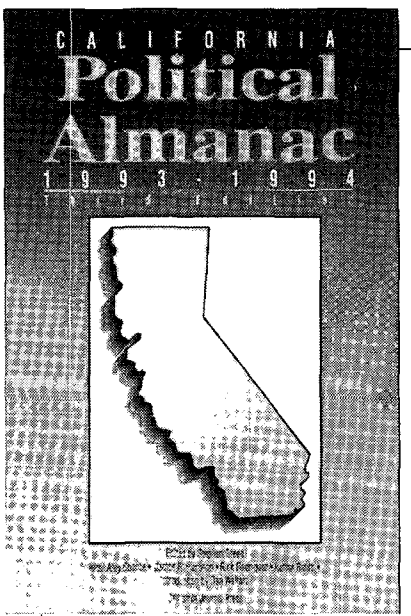

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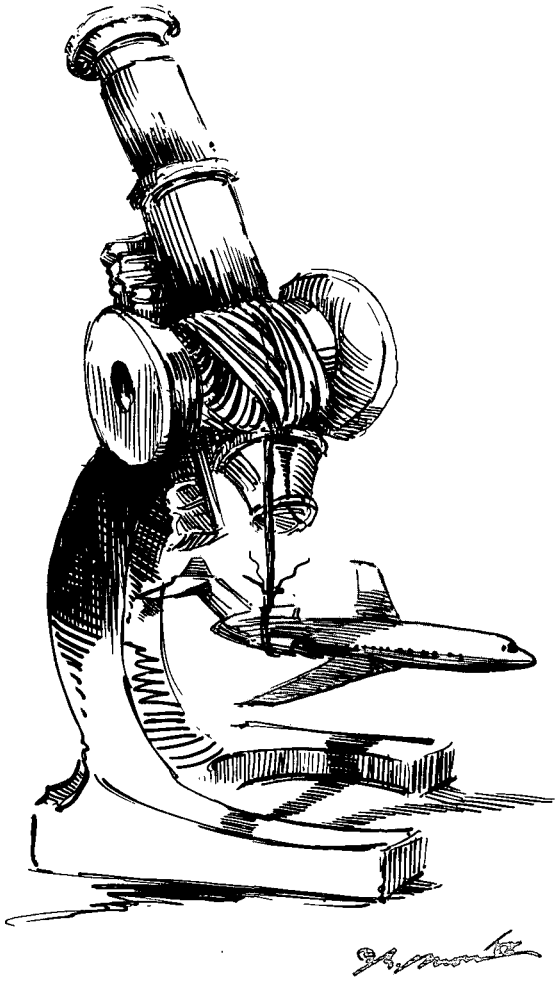

illustration by Washington Post Syndicate

Under the microscope:

Will Congress keep the C-17 airborne?

by James R. Carroll

Motorists along the San Diego Freeway in Long Beach can't miss it. At one end of the sprawling airport complex that includes McDonnell Douglas Corporation sits a mammoth, cream-colored building emblazoned with black letters: "Home of the USAF C-17."

In fact, Long Beach has been home to the Air Force's next generation cargo-plane program for more than a decade. For most of that time, few people had any idea what a C-17 was. They had never seen one. The huge planes did not begin leaving the McDonnell Douglas assembly line until late 1991.

Now, with a handful of planes out the door and many more being riveted together, the C-17 is arriving at a critical moment in its history. Later this month, the Pentagon's top brass is scheduled to decide, after an intensive, summer-long review, whether to keep the production lines open in Long Beach or kill the program. Needless to say, a lot is at stake for California. Already reeling from earlier defense cuts and base closings, the state doesn't need more bad news from Washington. But more bad news is at least a possibility as far as the C-17 is concerned.

The plane has been one of the most contentious items in President Bill Clinton's fiscal 1994 defense budget. The House and Senate armed-services panels were so frustrated about chronic financial, technical and management problems in the C-17 program that they fenced off fiscal 1994 spending until the Pentagon concludes its review. And it is not clear, once the money is freed up, that Congress wants to spend as much on C-17s as in the past.

"The C-17 is in for tough sledding," predicted Democratic Representative John Spratt Jr. from South Carolina, a member of the House Armed Services Committee. "The Supercollider went down in flames. The space station survived by a narrow vote ... People are out for blood, and they are looking for things they can vote to cut. If I were McDonnell Douglas, I would be extremely wary about the C-17."

That not only sends chills through the boardrooms at McDonnell Douglas, but causes shudders among the 8750 employees whose jobs depend on the C-17 in Long Beach. And those workers are only the tip of the iceberg: almost 1500 companies in California have a piece of the C-17, accounting for more than half of the roughly 20,000 jobs with subcontractors nationwide. In short, the C-17 means hundreds of millions of dollars for local economies all over California. That's why McDonnell Douglas has cranked up its lobbying effort in Washington this year, sending subcontractors to key members of Congress to make their case for the plane.

Sleek, fuel-efficient, computerized more than any trans-

James R. Carroll writes from Washington for the Long Beach Press-Telegram *and Knight-Ridder News Serivce.*

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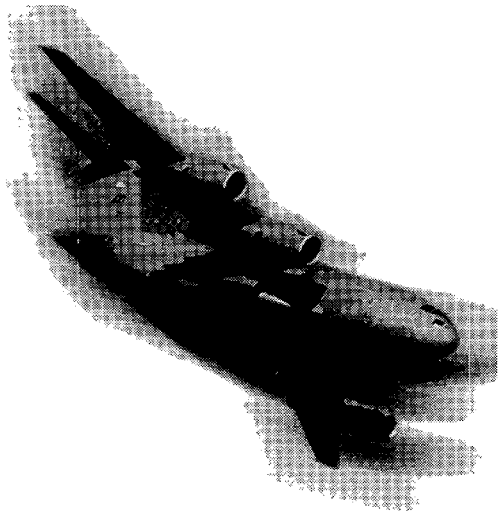
port in history, the C-17 is designed not only to replace aging 1960-era C-141 and C-130 airlifters, but also to give the military new capabilities. Unlike the smaller C-141s and C-130s, the C-17 has a long-distance range that enables it to take troops, weapons or cargo directly — without time-consuming transfers to smaller aircraft — to the battle zone. Unlike its larger cousin, the C-58, the C-17 is more maneuverable on the ground. The C-17 also is supposed to be able to land and take off on 3000-foot runways, which the C-58 cannot, opening up more airfields in potential world trouble spots (the landing capability still must be proven).



President Clinton has asked for $2.6 billion for six C-17s in the fiscal 1994 defense budget. Like George Bush and Ronald Reagan, Clinton agrees with the Pentagon that the military needs a generation of airlifters for a leaner, more mobile force in the 1990s. Congress for the most part has supported the C-17 program since its inception in 1981, spending between $6 billion and $7 billion on the plane and committing an additional $5 billion for future aircraft.

But pressures on the federal budget have made the C-17 an increasingly tempting target on Capitol Hill.

That, and the program's own long list of troubles:

• The Air Force estimates McDonnell Douglas will exceed spending on the initial $6.6 billion contract for research, development and production of two ground-based test fuselages, a test plane and the first six production-model planes by $1.4 billion. The company says the number is around $1 billion.

• In any case, McDonnell Douglas contends that some of its excess costs are the government's fault, and is expected to file hundreds of millions of dollars in claims to recover them. Critics of the C-17 program don't like that at all.

• After months of delays, the first C-17 took off from Long Beach on September 15, 1991, only to be grounded four months later for fuel leaks. Later C-17s also have been pestered with fuel leaks, although McDonnell Douglas says there have been no serious problems since the end of last year. Other technical problems have included collapsed landing gear, incomplete computer software for the flight control system, flaps and slats that have buckled and melted in the heat of engine exhaust, and two failures of the wings on one of the ground-based fuselages. The Air Force estimates the cost of retrofitting and redesigning the flaps, slats and wings at around $440 million. One March test flight at Edwards Air Force Base nearly ended in disaster when a C-17 went into a stall. The test pilot did not regain control of the plane until it was 1700 feet above the Mojave Desert.

• An Air Force general was relieved of command and three other Defense Department officials were disciplined in late April for their roles in funnelling what Defense Secretary Les Aspin said were $450 million in premature and improper payments to McDonnell Douglas on the C-17. "The story of the C-17 program reflects an unwillingness on the part of some high-ranking acquisition professionals to acknowledge program difficulties and take decisive action," Aspin said.

• Chronic turnover among McDonnell Douglas employees and management problems have sparked audit after critical audit of the program by almost every Pentagon and congressional agency imaginable. Earlier this year, Aspin pronounced the C-17 program "bollixed up." McDonnell Douglas in May was put on warning to get its house in order or risk cancellation of a project that could mean an estimated $2 billion in profits to the company. The Air Force wants to buy 120 C-17s.

Pentagon and Capitol Hill insiders are betting that when the top-to-bottom evaluation of the C-17 is concluded, the program will survive, but will be cut.

"The question now is not if, but how many?" said Lawrence Korb, a former assistant defense secretary in the Reagan administration and now a senior fellow at the Brookings Institution.

A variety of trial balloons floating around Washington suggest a revamped C-17 buy will be somewhere between 40 and 80 planes, instead of 120. Meanwhile, the debate over the C-17's future rages on Capitol Hill, primarily over the plane's projected costs. Representative John Conyers, a Democrat from Michigan and chairman of the House Government Operations Committee, has been a long-time C-17 critic who has held countless hearings on its troubles. He believes the program has become "a debacle."

"We must remember that the taxpayers have been the unfortunate losers throughout the sorry mismanagement of the C-17 program," the congressman says.

But GOP Representative Stephen Horn from Long Beach, whose district includes McDonnell Douglas, is among the C-17's defenders. It is going through the kind of bumpy beginnings almost every defense project does, he insists. "Has one penny of federal money been spent illegally?" Horn asks, adding that the answer is "no."

Likewise, California's two Democratic senators, Dianne Feinstein and Barbara Boxer, have been staunch C-17 defenders, although not as high-profile as some of the plane's critics.

McDonnell Douglas and Air Force officials concede that the C-17 story has been less than fairytale perfect. "Yes, there have been mistakes made on the C-17 program by McDonnell Douglas, the Air Force and Congress," David Swain, McDonnell Douglas senior vice president, wrote in a letter to company employees. "But it is time to put the past behind us and focus on the important job in front of us."

And, he might have added, it is time to lobby like hell.

In mid-September, the Air Force flew a C-17 to Andrews Air Force Base in Maryland for its Washington debut before members of Congress, policy-makers and the media. And people like Tom Wallace have taken red-eye flights from California to Washington this summer. Wallace is executive vice president and general manager of Brea-based C.C. Industries, which makes parts for the C-17 wings. He buttonholed members of the House, making the pitch for the plane. As long as the Pentagon doesn't do anything drastic, the C-17 will have a majority in Congress to survive, Wallace insists.

"If they have the facts, I'm not worried about the decision," he says.

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Notebook
Newsbriefs

Legislature

1993 session produces some substance

End of session "pop quiz." Complete the following sentence: The 1993 Legislative session is the most productive ...

a) In a decade.
b) In a generation.
c) Since last year.
d) Since Pericles.

If you'd spent any time around the Capitol last month, you'd be hard pressed to find anyone who wouldn't at least answer "a" or "b," and some who might even try to sell you on "d." The legislative season featured an on-time budget, breakthroughs on a number of key policy sticking points and some unique and unexpected coalitions that would have seemed impossible during last year's hellish 64-day budget stalemate.

"This legislative effort has produced almost a grand-slam for California's economy," trumpeted an ebullient Governor Pete Wilson, whose own political fortunes stand to receive a much-needed shot in the arm. Assembly Speaker Willie Brown Jr., who last year seemed to live only to make the governor miserable, was even more effusive. "I think this has [produced] some of our finest hours," gushed Brown in his customary end-of-session testimonial speech.

What makes these grand pronouncements especially remarkable is the unremarkable way the session began. It seemed for awhile that 1993 would pick right up where 1992 left off. Buoyed by an increased majority, Brown immediately put the new Assembly Republican Leader, Jim Brulte of Rancho Cucamonga, through his paces. The speaker named Democrats to fill traditionally Republican vice-chairmanships, thumbed his nose at the GOP's pick for Ways and Means vice-chair and generally delighted in raising GOP hackles.

The nadir of the session came in late spring, with the nomination of GOP Senator Marian Bergeson to replace Bill Honig as state superintendent of public instruction. The normally dignified Bergeson adopted an uncharacteristically combative tone in committee hearings, matching barbs with the always-combative Democratic Assemblywomam Delaine Eastin of Fremont. At times, the debate sounded more like primal scream therapy than public discourse.

When the Assembly killed Bergeson's nomination on a straight party vote, many Capitol denizens canceled their summer — and fall — vacation plans. If there was this much trouble getting a generally well-respected senator confirmed to higher office, a repeat of 1992's grueling budget stalemate seemed inevitable.

Surprisingly, however, the prospect of another 1992 seemed to sober lawmakers and the administration. In his May budget revision, Wilson relaxed his rigid opposition to extending 1991's temporary sales-tax increase, as well as his opposition to rolling over part of the $9 billion deficit. Democratic Assemblyman John Vasconcellos of San Jose, that most grizzled of "grizzlies," offered up a "smart budget" plan that actually cut welfare and eliminated the renter's tax credit. When Vasconcellos' plan failed to rally GOP support, in stomped Brown, who conceded to Wilson the biggest single budget sticking point — a $2.6 billion property tax shift from local governments. Amazingly, it all came together, and nearly with three hours to spare on June 30th, Wilson signed the $52 billion budget, proclaiming it "an intelligent compromise".

Leaders next turned their attentions to workers' compensation reform, an issue that had bogged down lawmakers for each of the previous two sessions. Brown placed himself and Brulte on the two-house conference committee considering workers' comp, and the high-powered tandem got the job done. The resulting compromise sliced premiums *and* increased worker benefits — a combination achieved by restricting stress claims, cracking down on fraud and post-termination claims and severely limiting vocational rehabilitation services. The deal also included a repeal of the state's minimum-rate law.

While Brown slyly suggested that workers' compensation marked "the end of the truce" with Wilson, it was clear the itch to do favors for California businesses had not fully been scratched. Marshalling his considerable power, the speaker helped weld together an enormous tax reform package providing huge breaks to businesses large and small. Lawmakers even took a stab at re-tooling the behemoth California Environmental Quality Act (CEQA). With the reluctant involvement of environmentalist Democratic Assemblyman Byron Sher of Palo Alto, a deal was forged which allowed businesses to replace the blizzard of small environmental-impact reports (EIRs) with one master EIR. It also made it tougher to use CEQA lawsuits as a tactic to delay start of an already-approved development. (see story page 37)

While economic issues were clearly driving the session, other significant legislation also made its way through the legislative maze. Democratic Assemblyman Jim Costa of Fresno finally won a 15-year personal struggle, gaining approval of a bill moving the date of the California presidential primary. Freshman Democratic Assemblyman Louis Caldera of Los Angeles pushed through a bill requiring that children wear helmets when riding a bicycle. Legislation pouring more sunshine into the state's open meetings law was approved, as was a bill to make all legislative information available on-line to the public. The Assembly even managed to find the votes to pass a two-cents per pack increase in the cigarette tax to fund breast-cancer research.

At this point, you're probably saying to yourself, "Wait a minute. I thought there were *two* houses of the Legislature. Where was the Senate while all of this was going on?"

Good question.

Over the last three months, an unusual role-reversal began to take shape. While well-consolidated leadership teams were getting their acts together in the Assembly, the leadership equation in the Senate was anything but stable. Presi-

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dent pro Tempore David Roberti of Van Nuys, whose career will be ended by term-limits next year, saw his power erode visibly. An ambitious Senator Bill Lockyer of Hayward openly angled to replace him as leader, unsubtly challenging Roberti's lead on the budget and tax reform. Across the aisle, Republican Leader Ken Maddy of Fresno found himself facing a challenge from conservative rookie Senator Rob Hurtt of Garden Grove. Hurtt made his kingmaking presence felt from the inside this year, and the Senate GOP's lurch to the right leaves Maddy with fewer and fewer solid allies.

With the Senate in turmoil, and the Assembly unable to completely exorcise its own demons, it's not surprising that a number of other sweeping efforts fell short in 1993. Two high-profile legislative initiatives by Roberti — a break-up of the Los Angeles Unified School District and a bill banning large capacity gun magazines — were derailed by opposition in the Assembly. Heavy tobacco industry lobbying helped derail a bill banning indoor smoking in virtually all workplaces and an industry-backed counter-measure. A tussle with the federal Environmental Protection Agency over smog-checks was left dangling, as was a complex plan to create an "infrastructure bank." The session also produced its usual quota of special interest bills.

Who gets the credit? With characteristic modesty, the speaker claims a good deal of it for himself. "One of the reasons this was a better year than usual is frankly because I decided to do lots of this myself," said Brown. For once, however, there seem to be few who question his role.

— Steve Scott

The big business tax break

The California Legislature vowed to help out the state's economy this year, and one of its most significant actions was passage of an omnibus tax package aimed at attracting business to the state. William Campbell, an ex-state senator and current president of the California Manufacturers Association, said that the package puts California on equal footing with other states. Governor Pete Wilson calls the legislation, which passed during the last night of session, "the most sweeping tax reform in California since the passage of Proposition 13."

But critics of the package weren't so charitable. "The Big Tax Giveaway Act of 1993," grumped Democratic Assemblyman Phil Isenberg of Sacramento. And Democratic Senator Bill Lockyer of Hayward said that the measure has merits but not enough guarantees. Democratic Senator Dan Boatwright of Concord also warned that businesses won't use the tax breaks to their advantage without providing any return — especially jobs. Most lawmakers, however, were willing to place their bets that a host of tax breaks for business would attract enough companies and capital to the state to pay for the lost tax revenue.

Assembly Speaker Willie Brown Jr., as he had done during the entire legislative session, used his influence to push a pro-business agenda that suited the GOP and often pitted him against colleagues from his own party. His main proposal — a tax break for businesses that buy new manufacturing equipment — never made it out of committee during the session because Brown could never overcome the problem of revenue loss. But the speaker was able to append the proposal to another business-tax bill dealing with international corporations. That measure (SB 671), authored by Democrat Al Alquist of Santa Clara, became a tax-break Christmas tree by the time it reached the Assembly floor.

The Alquist bill contained a host of items loosely categorized as "business tax provisions," for example: allowed a 6 percent investment tax credit for the purchase of manufacturing equipment; reduced from 80 percent to 50 percent the amount of money spent on meals and entertainment that may be written off as business expenses; extended indefinitely the research and development tax credit; exempted sales and use taxes for flight materials used for space launches from Vandenberg Air Force Base (with a sunset of Jan. 1, 2004); exempted from taxes half of the capital gain from small business stocks held for over five years; and changed the state taxation procedure, called unitary taxation, for multinational corporations — the original provision of the bill.

With so many pieces to the puzzle of SB 671, members found it difficult *not* to vote for it. Some more skeptical members at the last minute pushed for some kind of guarantees to be placed on business. They included requiring businesses to maintain or increase jobs in order to get the manufacturing-equipment tax credit and requiring those businesses to invest the credited money in California. But the speaker set aside the alternative proposals. The business community owes a huge bouquet to Brown; a draft copy of an industry newsletter has a headline of "Major Thanks to Speaker Brown." Other members, however, are infuriated. Boatwright told the Senate that he was going to campaign against the sales-tax increase on this November's ballot because he said it "was unfair to increase [taxes on the general public] while manufacturers get sales tax exemptions." Others are worried about the projected revenue losses, which the Franchise Tax Board has estimated to be $400 million annually when its full provisions finally kick in, although legislative staff claim the losses may be even higher.

In any case, California's tax laws for business have undergone a major change, despite the fact that the manufacturing tax credit sunsets if 100,000 manufacturing jobs aren't created in the state by the end of the century. Lockyer believes the provision is meaningless because of the difficulty determining what jobs were created as a result of the legislation. Otherwise, it will take a two-thirds vote of the Legislature to do away with the credits. While it only takes a majority vote to provide exemptions, a supermajority is needed to take those exemptions back.

— Mary Beth Barber

Election '93

Hansen swamped

The Senate Republican Caucus can be prepared for a lurch to the right with the landslide win last month of conservative Maurice Johannessen, a former Redding mayor, over moderate Bev Hansen in a special election in Senate District 4. Hansen, who served in the Assembly for six years before retiring in 1992, managed but 26 percent to Johannessen's 42 percent. The election was held to replace incumbent Democrat Mike Thompson, who was elected earlier this year in Senate District 2.

Because Johannessen failed to get 50 percent of the vote, he'll be in a November 2nd run-off with the top Democratic vote-getter, Montana Podva, a constitutional law attorney who once clerked for Supreme Court Justice Will-

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iam O. Douglas. But registration in this eight-county Northern California district favors a Republican, so Johannessen, a wealthy realtor with backing from conservative king-maker Senator Rob Hurtt of Garden Grove, should easily counter the resistance.

Republican observers said they were not surprised Johannessen won, but said they expected Hansen to make a better race of it. They blamed Hansen's campaign for the loss. "[Hansen's side] didn't do an absentee campaign. That's like malpractice. That was a fatal mistake," said a Republican source who asked not to be identified.

In addition, the source said, Hansen's campaign didn't effectively rally her conservative supporters when her opponent attacked her as a "tax and spend" Republican for voting in 1991 in favor of a budget bill with a multi-billion dollar tax hike. "She had virtually every card-carrying, conservative legislator endorsing her, and those conservatives — including the Howard Jarvis group — could have defended her," said the source.

Hansen declined to comment on the quality of her campaign but said that she was comfortable that "all nine newspapers that endorsed a candidate endorsed me; that we had the support of a lot of local government officials and the support of organizations, and we raised the money we needed. You do all of that and you hope it all comes together [but] you can analyze these things six ways 'til Sunday, and then it's just water under the bridge, and wasn't meant to be."

— Danielle Starkey

Patton, McPherson win in AD 27

The sequence of special elections in Santa Cruz and Monterey counties began when President Bill Clinton appointed Carmel's Democratic Congressman Leon Panetta to his cabinet in January. It continued last month when voters straggled to the polls once again to elect a successor to Democratic Assemblyman Sam Farr, who had been elected last spring in another special to replace Panetta. Since no candidate earned 50 percent of the vote last month, a run-off election must be held on November 2nd.

The two main contenders in that election will be the Democratic and Republican winners from the August 31st primary — Democrat Gary Patton, once a Santa Cruz County supervisor and former president of the environmentalist Planning and Conservation League, and Republican Bruce McPherson, former editor of the *Santa Cruz Sentinel.* District registration favors Democrats 51 percent to 31 percent, although McPherson was the top vote-getter in the primary.

Voter turnout was low at 24 percent — as it had been for the congressional special election won by Farr. The Democratic vote was split between four candidates, while there were three GOP contenders. On the Democratic side, former council member and mayor of Santa Cruz John Laird got 16 percent, Monterey school district trustee Carolyn Plummer got 9 percent and forester Dave Hope got 2 percent. The main other GOP contender, businesswoman Susan Whitman, gained only 14 percent after having strong Republican support during the 1992 election against Farr. Third party candidates Susan Espinoza (Peace and Freedom) and Jerry McCready (American Independent) also will be on the November ballot.

Despite strong showings in the past by Panetta and Farr, local sources don't think the district is safely Democratic and won't discount the economy as a major factor in the election. Both McPherson and Patton have similar stances on major social issues; both are pro-choice and against the voucher initiative which also is expected to pull voters to the ballot. Both have name recognition in the Santa Cruz area, and will most likely focus their attention on Monterey. Personalities are expected to play a role in the election, as is each candidate's stance on economic issues, especially job creation for the hard-hit Monterey County because of the closing of Fort Ord. Additionally, McPherson said that he expected to gain some of the voters who supported relatively conservative Laird. "I had some [Laird supporters] drop by who said they would support me," he said.

— Mary Beth Barber

Election '94

Huffington to face Feinstein

Call it "Campaigns of the Rich and Famous." GOP Congressman Michael Huffington of Santa Barbara, the 46-year-old who was elected to Congress only last year, is in the U.S. Senate race next year against incumbent Dianne Feinstein, one of the Senate's richest members.

"Someone's got to stop that senator before she taxes again," Huffington snickered at a Los Angeles press conference announcing his candidacy. He becomes the first person in either party to formally announce a challenge to Feinstein for the seat she won from appointed GOP Senator John Seymour last year.

Huffington once told an interviewer he had reached a point where money had "become meaningless," then proved it last year by dumping $5 million into a successful primary challenge to 10-term GOP incumbent Robert Lagomarsino. He won, in part, by casting himself as a pocket-edition Ross Perot and by drowning Santa Barbara in radio and TV advertisements. His advocacy of abortion and gay rights separates him from many of his GOP colleagues, but Huffington hews the straight party line on taxes, government and "the welfare state."

Since arriving in Congress, Huffington has largely been dismissed as an ersatz Thurston Howell, although the *Almanac of American Politics* notes his "aggressiveness" and political acumen. His hometown newspaper also chided him for considering a Senate race only months after starting his new job in Congress.

Feinstein's handlers clearly noticed Huffington's announcement; Spokesman Kam Kuwata was already sharpening his quote machine. Citing the above-mentioned editorial in the *Santa Barbara News Press,* Kuwata took aim at Huffington's lack of experience.

"What qualifies him to be a U.S. senator?" Kuwata asks. "He got a job [in Congress] and didn't even last one baseball season before looking for a new job." As for Huffington's criticism of Feinstein's budget vote, Kuwata says Feinstein showed a courage on the budget, while Huffington did "nothing, zero, nada" on the deficit.

Lightweight or not, Huffington's wealth alone makes him a candidate to be watched. Federal campaign contribution limits don't apply to money spent by the candidate themselves, and Huffington has demonstrated he has one of the deepest checkbooks in the state. The last time a statewide candidate dipped so deeply into their own pocket was in the 1990 governor's race. The candidate: Dianne Feinstein.

—Steve Scott

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Washington PERSPECTIVE

By Larry Liebert

Bill Clinton's rough six months

One number, unforgiving and unalterable, constantly clouds the Clinton presidency: 43. That's the percentage of the vote with which Bill Clinton won the White House almost a year ago.

FROM THE BEGINNING, THE NUMBER HAS BEEN hurled like a taunt by Clinton's enemies. Tart-tongued Senate Republican Leader Bob Dole of Kansas began the year by magnanimously offering to represent the majority of voters who didn't vote for Clinton but got him anyway. The not-so-magic number has lingered as well in the consciousness of congressional Democrats, adding to their ingrained reluctance to be led.

Too much can be made of Clinton's status as a plurality winner of the White House. Were it not for Ross Perot's aw-shucks pluralism — and the millions of dollars he spent promoting that image as the third candidate in '92 — the nation would have had a standard-issue, majority president. And Clinton might well have been that president, not because the Perot voters loved Clinton but because so many of them seemed thoroughly fed up with George Bush.

Still, only 43 percent of the voters ever made the emotional and philosophical commitment to Clinton that comes when an American makes a choice for president on Election Day. Thus, Clinton must spend his presidency struggling to build the majority support that other new presidents have to lose.

From his inauguration in January to Congress' summer break in August, Clinton fought against the political currents to win passage of his budget plan and to survive controversies over super-charged issues ranging from gays in the military to Lani Guinier's civil rights stands. To his credit, Clinton put his political capital on the line at the start of his presidency for what he saw as the crucial task of cleaning up the fiscal mess left behind by his two immediate predecessors. To his detriment, Clinton never was able to persuade the American people of the urgency of that task, nor was he able in that crucial first stage of his presidency to convey a coherent sense of where he planned to lead the nation.

Describing the unrelenting partisanship of the Washington that he came to lead, Clinton told the National Governors' Association in August, "I never want to go through another six months where we have to get all of our votes within one party."

Now, the Clinton presidency has entered its second stage. After being pigeon-holed by Republicans for months as a traditional tax-and-spend Democrat, Clinton is trying once again to assert that he is both a sensible centrist and a passionate activist. That he is, to borrow a phrase, a raging moderate. But this virtually guarantees that he'll always have an elusive and fragile political identity. The activist side of his persona may always seem too liberal for some, and the centrist will seem too cautious for others.

If anything, Clinton's second-stage agenda is at least as ambitious and politically daring as his initial assault on the deficit. He seems intent on making the most of a fresh start, bundling together issues that include reforming the health-care system, winning approval for the North American Free Trade Agreement and cutting the federal bureaucracy.

"Reinventing government," the bureaucracy-bashing exercise led by Vice President Al Gore, seems intended largely to send the message that this isn't just another big-government Democratic administration. Once the initial publicity fades, however, it's doubtful that Clinton and Gore will openly confront the powerful congressional committee chairmen who seem likely to deep-six some of the administration's more provocative cost-cutting proposals.

On the free trade agreement, Clinton faces a Democratic Party torn between its free-trade and protectionist instincts. He faces a hard sell in convincing most Americans that new markets in Mexico and Canada will more than make up for the U.S. companies that will be enticed to ship jobs to low-paying Mexico.

With usual Democratic allies in the House like Majority Whip David Bonior of Michigan leading the opposition to NAFTA, and with Majority Leader Richard Gephardt of Missouri leaning against the pact, Clinton's support in the lower chamber is being spearheaded by Sacramento's Congressman Robert Matsui. It may be the most challenging and visible role of Matsui's congressional career.

As for health care, Clinton is tackling a problem that presidents and policy-makers have shunted aside for decades in fear of its vast and potentially explosive fiscal and political dimensions. Clinton argues the nation can't afford to wait any longer.

Clinton and his supporters in Congress hope that Americans are painfully aware that the nation's health system badly needs wholesale renovation. They hope that the millions of Americans who now have no health insurance — and the many millions more who fear losing their insurance if they ever lose their jobs — will outweigh those who fear a new tax on cigarettes, new limits on Medicare and new pressures to abandon the familiar (but costly) family doctor and sign up with an HMO or physician network.

THEY HOPE THAT LAWMAKERS WHO FEAR BEING blamed for the costs of a new health-care system will be outweighed by lawmakers who fear going before voters in 1994 without having accomplished health care reform.

With his sweeping proposals for health care reform, Clinton is most of all challenging the fundamental assumption of the Reagan and Bush years: That the federal government botches all it touches, and that Washington's greatest contribution is to stay out of the way.

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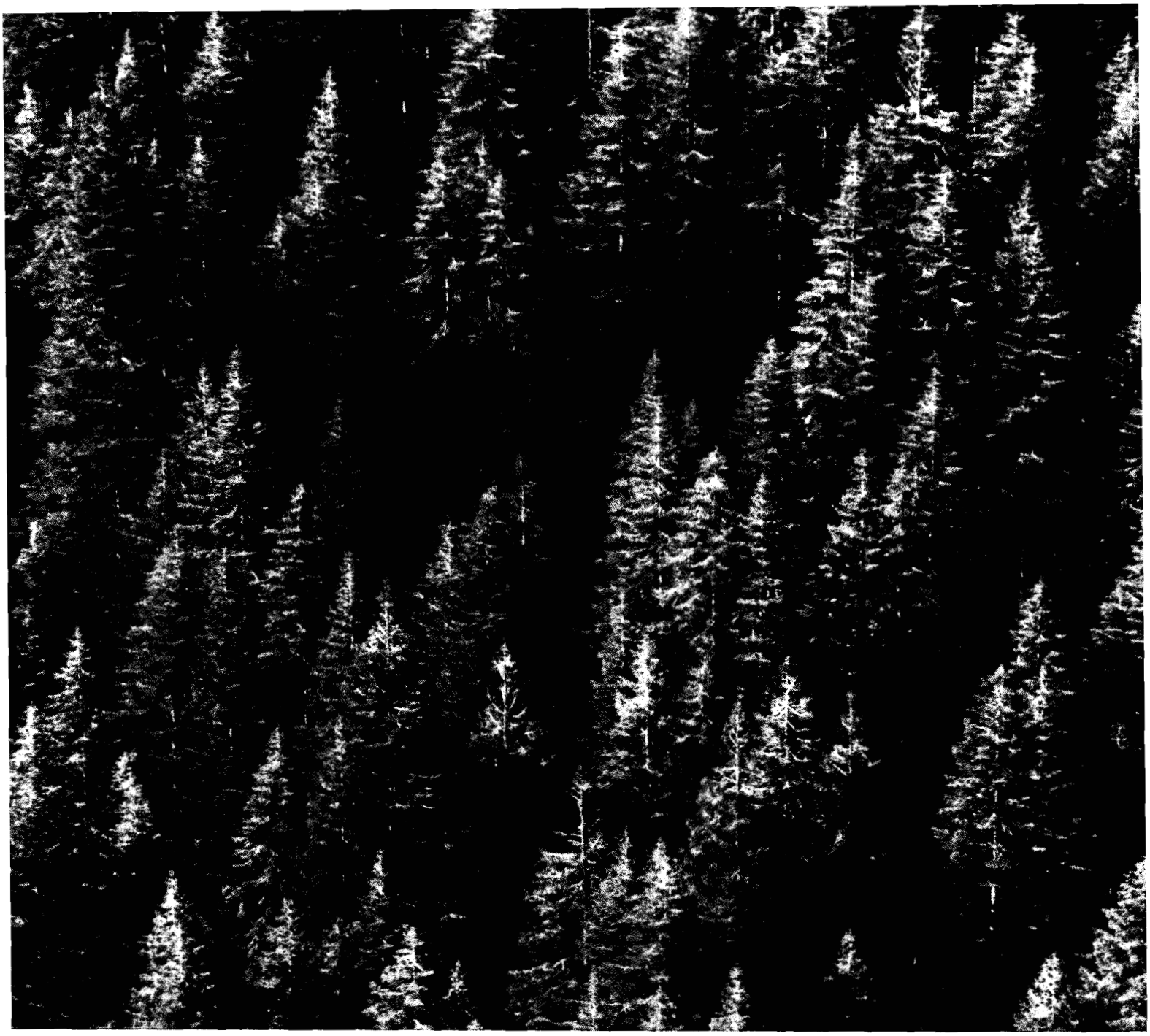

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California Forest Products Commission

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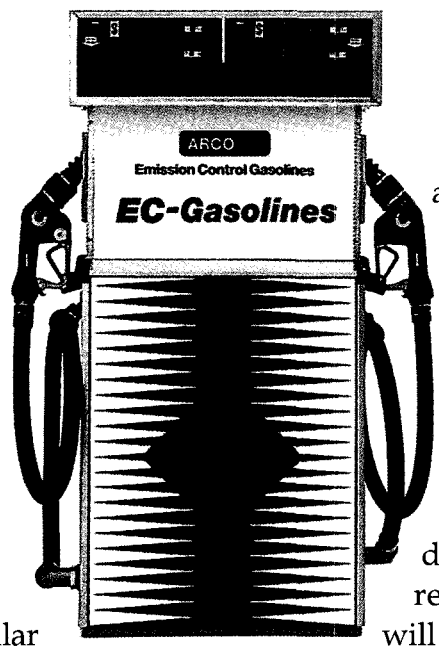
4 YEARS AGO WE PROMISED BLUE SKIES.

IT WASN'T A BLUE SKY PROMISE.



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ARCO emission control gasolines. The technology for cleaner air today. And even cleaner air tomorrow.

ARCO

CLEAN FUELS FOR THE FUTURE.

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